United Nations CEDAW/C/MHL/1-3

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
30 September 2016

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Combined initial to third periodic reports of States parties due in 2015

Marshall Islands*

[Date received: 13 September 2016]

Note: The present document is being issued in English, French and Spanish only.

* The present document is being issued without formal editing.

16-16952 (E) 141016

Please recycle

Contents

	Page
Acronyms	5
Introduction	10
I. The National Context	10
The Land and the People	10
Political System	11
Economic System	12
Women's Developments	13
II. Commentary on the Articles of the Convention	14
Article 1 — Definition of discrimination	14
Awareness Raising	15
Future Implementation	16
Article 2 — Obligations to eliminate discrimination	16
Principle of equality	16
Future Implementation	17
Legal Measures to eliminate discrimination	18
DVPPA	19
The Criminal Code	19
MIPSSA	19
Child Rights Protection Act	19
Rights of Persons with Disabilities Act	19
Human Rights Act	20
National Policies & Measures	20
National Strategic Plan	20
National Gender Mainstreaming Policy 2014	20
National Youth Policy	21
National Policy on Disability Inclusive Development Action Plan	21
National Reproductive Health Policy/Strategy	21
RMI Prevention of Adolescent Pregnancy	21
JNAP	22
Disaggregated Data	22
Programming and Partnership	23

Future Implementation 24
Article 3 — Advancement of Women 25
Government Commitment 25
National Women's Machinery 27
Disabled Women and Girls 28
Young Women 28
Future Implementation 29
Article 4 — Acceleration of equality between men and women 30
Future Implementation 31
Article 5 — Sex roles and stereotyping 31
Future Implementation 33
Article 6 — Exploitation of women, trafficking and prostitution 33
Future Implementation 34
Article 7 — Political and public life 35
Legislative Framework 35
Women in Decision-making and Leadership Positions 35
Women in Legal Profession 36
Future Implementation 37
Article 8 — International Representation 37
Article 9 — Nationality 37
Article 10 — Education 38
Legislative Framework 38
Enrolment and Attendance 39
Quality of Education 39
Challenges and Constraints 41
Technical and Vocational Education and Training 41
Adult and Tertiary Education 43
Future Implementation 44
Article 11 — Employment 44
Future Implementation 45
Article 12 — Access to healthcare 46
Legislative Framework 46

Health Services Available 46
Prevalence of Diabetes 48
Incidence and Prevalence of Cancer 48
HIV/AIDS Prevalence 50
Future Implementation 50
Article 13 — Economic and Social life 51
Future Implementation 52
Article 14 — Rights of rural women 53
Outer Island Background 53
Government Policies and Initiatives 53
Health 53
Sanitation 54
Cooperatives 54
Land and Agriculture 55
Availability and Adequacy of Resources and Services 55
Future Implementation 56
Nuclear Testing Effects 56
Article 15 — Equality before the law and civil matters 57
Future Implementation 58
Article 16 — Equality in marriage and family relations 59
Legal Context 59
Family Relationships 60
Domestic Violence & The Law 60
Future Implementation 62
Conclusion 62

Acronyms

AA	Associate of Arts
ADB	Asian Development Bank
AFP	Australian Federal Police
AG	Attorney General
AMI	Air Marshall Islands
APR	Annual Performance Report
APTC	Australian-Pacific Technical College
ART	Antiretroviral
AS	Associate of Science
ASL	American Sign Language
BMI	Body Mass Index
BPHC	Bureau of Primary Health Care
CAA	Central Adoption Authority
CAT	Convention Against Torture
CDD	Community Development Division
CED	Committee on Enforced Disappearances
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMI	College of the Marshall Islands
CPBR	Child Protection Baseline Report
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of the Persons with Disabilities
CRVS	Civil Registration and Vital Statistics
CSP	Cyber Safety Pasifika
CSW	Commission on the Status of Women
DVPPA	Domestic Violence Prevention and Protection Act
DVU	Domestic Violence Unit
Epi	Epidemiological

EPPSO	Economic Policy, Planning and Statistics Office
FAPE	Free Appropriate Public Education
FGM	Female Genital Mutilation
FHSS	Family Health and Safety Study
FLE	Family Life Education
FY	Fiscal Year
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
HRC	Human Rights Committee
HTCO	High Tech Crime Operations
iBRAVE	Initiative for Better Response to Address Violence Everywhere
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
ILO	International Labour Organization
IOM	International Organization for Migration
JNAP	Joint National Action Plan
KEA	Kora Em Amra
MCH/CSHCN	Maternal and Child Health and Children with Special Health Care Needs
MDG	Millennium Development Goal
MIDPO	Marshall Islands Disabled Persons Organization
MIPD	Marshall Islands Police Department
MIPSSA	Marshall Islands Public School System Act
MIRC	Marshall Islands Revised Code
MISC	Marshall Islands Shipping Corporation
MLSC	Micronesian Legal Services Corporation

MOF	Ministry of Finance
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOIA	Ministry of Internal Affairs
NAC	National Aids Committee
NCD	Non-Communicable Diseases
NDAA	National District Attorneys' Association
NGO	Non-Government Organization
NHRC	National Human Rights Committee
NHRI	National Human Rights Institution
NNCC	National Nutrition and Children's Council
NSP	National Strategic Plan
NTA	National Telecommunications Authority
NTC	National Training Council
OCHA	Office for the Coordination of Human Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAT	Parents As Teachers
PDF	Pacific Disability Forum
PICP	Pacific Islands Chiefs of Police
PIFS	Pacific Islands Forum Secretariat
PPA	Pacific Platform for Action
PPDVP	Pacific Prevention of Domestic Violence Program
PREL	Pacific Resources for Education and Learning
PRSD	Pacific Regional Strategy on Disability
PSA	Public Service Announcement
PSC	Public Service Commission
PSRO	Pacific Sub Regional Office
PSS	Public School System
R&D	Ministry of Resources & Development

RDC	Resource Development Committee
RMI	Republic of the Marshall Islands
RRRT	Regional Rights Resource Team
SEA	State Education Agency
SEOW	State Epidemiological Outcomes Workgroup
SEP	School Enrichment Program
SOP	Standard Operating Procedure
SOPAC	Secretariat of Applied Geo Science and Technology
SPC	Secretariat of the Pacific Community
SPP	State Performance Plan
SRH	Sexual and Reproductive Health
STD	Sexually Transmitted Disease
STI	Sexual Transmitted Infection
TB	Tuberculosis
TOR	Terms of Reference
TVET	Technical Vocational Education and Training
UNAIDS	United Nations Programme on HIV and AIDS
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNFPA	United Nations Family and Population Fund
UNICEF	United Nations International Children's Emergency Fund
UNTF	United Nations Trust Fund
UNV	United Nations Volunteer
UPR	Universal Periodic Report
USDOE	United States Department of Education
USP	University of the South Pacific
VRIS	Vital Records Information System
WAM	Waan Aelon in Majōl

WHO	World Health Organization
WKWJ	Wa Kuk Wa Jimor
WUTMI	Women United Together Marshall Islands
YSB	Youth Services Bureau
YTYIH	Youth to Youth in Health

Introduction

1. The Republic of the Marshall Islands (RMI) ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in March 2006. In doing so, RMI became a state party to this important Convention and affirmed the national commitment to advance the situation of women in RMI.

2. The purpose of this report is to document the progress that has been achieved, the measures that were taken and should be taken in the various areas, and the obstacles and challenges that hinder the full participation of women in RMI's society and economy. The first section of the report discusses the national context in which the Convention is being implemented. The second part details the situation in relation to the individual articles of the Convention.

3. In presenting this report, the RMI reaffirms its support for the Convention and its determination to progress towards fully meeting its provisions.

Part I — The National Context

The Land and the People

4. The Republic of the Marshall Islands (RMI) is made up of 29 low-lying coral atolls and five islands with a total area of 181 square kilometres located in the North Pacific, between 4 degrees and 14 degrees north and 160 degrees and 173 degrees east. The atolls and islands form two groups: the Ratak Chain and the Ralik Chain (meaning "sunrise" and "sunset" chains). Two-thirds of the nation's population lives on Majuro (the capital) and Ebeye. A majority of the islands' land mass is at sea level.

5. The people of the Marshall Islands are Micronesians descendants of seafarers from Southeast Asia who migrated to the islands 2,000 to 3,000 years ago. Since the first settlers arrived, the Marshall Islands has remained a highly homogeneous society. The 2011 census showed that of the total population of 53,158, 90 per cent are Marshallese with the remaining 10 per cent from the United States (U.S.), the Philippines, China, New Zealand, Australia, other Micronesian countries, Kiribati, Korea, and Fiji. From the total population, 27,243 are males and 25,915 females. Children aged 0 to 17 years comprise 46 per cent of the population. The annual population growth rate is only 0.4 per cent due to high rates of outmigration rather than a decline in fertility.

6. Despite being under successive foreign control by Germany, Japan and the United States, the Marshallese people retain a strong sense of cultural identity. Marshallese continues to be the primary language of the country. The 2011 census documented a literacy rate of 95 per cent in the Marshallese language. English is taught as a second language in schools throughout the nation. Both Marshallese and English are used in official communications and in commerce, while English is used to a lesser extent on the outer islands.

7. The Marshallese custom is recognized and protected in the *Constitution*, specifically in relation to land tenure. However, as the social and economic context

moved from a subsistence-based rural society to an urban, cash based economy, traditional practices have eroded.

Political System

8. The Marshall Islands has undergone successive foreign domination by Germany, Japan and the United States. These foreign Powers ruled the islands for such advantages as trade, religious propagation, and exploitation of resources, strategic considerations and maintenance of sea routes.

9. In 1885, after a 25-year period of commercial contact with other nations through the copra trade, the Marshall Islands formally became a protectorate of the German empire. The Germans were followed by the Japanese, who seized the islands from Germany in 1914. The Japanese administered the islands under a League of Nations mandate from 1920 to 1935, and were expelled by American forces during the Second World War.

10. Kwajalein and Enewetak in the Marshall Islands were major battlefields of the American island-hopping campaign. At the end of the war, the United States assumed responsibility for administering the Marshall Islands under a United Nations trusteeship agreement. In the years following the war, the northern Marshall Islands became testing ground for atomic and nuclear weapons. Between 1946 and 1958, the United States exploded 67 atomic and nuclear devices at Bikini and Enewetak Atolls. Kwajalein Atoll continues to be used by the United States for testing the weaponry of the Space Age.

11. On 1 May 1979, the RMI became self-governing and the U.S. Trusteeship administration of the Marshall Islands came to an end. On 21 October 1986, the Compact of Free Association between the U.S. Government and the Government of the Marshall Islands came into effect. Under free association, the Marshall Islands is self-governing under its own *Constitution* and conducts its own domestic and foreign affairs, while the United States Government has authority and responsibility for defence and security matters. The Compact, as Amended will remain in effect until 2023.

12. The *Constitution* of the Marshall Islands incorporates a blend of the British and American constitutional concepts and consists of legislative, executive, and judicial branches. The legislature is a bicameral institution consisting of the Council of Iroij and the Nitijela. The main function of the Council of Iroij, which has a membership of 12, is to request consideration by the Nitijela of bills affecting customary law, land tenure, or any traditional practice. The Nitijela is the law-making body and consists of 33 members who stand for election every four years. The Nitijela also elects from its ranks a President and, on nomination by the President, other members of the Nitijela to serve with the President as the Cabinet. The Cabinet is the executive branch of the Government and directs the actions of the Public Service. The Cabinet is answerable to the Nitijela for its actions. The judicial branch consists of a supreme court, a high court, a traditional rights court, district court, and community courts.

13. In the local governments, there are 24 local governments that govern the affairs of the atolls and islands. Each local government consists of an elected

council (except Ebon Atoll which has a hereditary council), an elected mayor, appointed or elected local officials, and a local police force.

14. In February 2016, for the first time in RMI history and the history of the Pacific Islands, except Australia and New Zealand, the Government elected its first female President, H.E. President Hilda C. Heine. Also, an increase of women in leadership is reflected with the 3 female members of Nitijela (Parliament) as opposed to just one since the inception of the RMI Constitutional Government in 1986.

15. The RMI became a member of the United Nations in September 1991.

Economic System

16. The remoteness of the RMI from major markets historically has had a negative impact on the economy. Furthermore, the economy is small in relative terms, with a narrow export base and limited production capacities. As such, it is vulnerable to external shocks. The economy remains dependent on donor funding. Funding from The Compact of Free Association, as Amended, provides approximately 50 per cent of the FY14 budget (*FY14 Ministry of Finance*).

17. Employment data shows that the economy has generated a number of additional jobs amounting to 0.6 per cent per annum during the period of The Compact of Free Association, as Amended. Both the private and public sectors have grown, despite declines at the Kwajalein military base. However, the generation of additional jobs has been insufficient to provide gainful employment opportunities for those seeking work, and outward migration remains substantial, averaging 1.7 per cent annually since 2004. (*USDA Graduate School 2012*).

18. The RMI public sector continues to dominate the economy in terms of contribution to GDP and overall employment. The primary commercial industries include:

*Wholesale/retail trade	*Construction
*Tourism	*Light manufacturing
*General business services	*Commercial fisheries

- **Employment Data** (2011 RMI Census)

  Labour Market Activities (People Employed)

Males 8,258	Females 4,389
Total 12,647	

- **Employment/Population Ratio**

Males 51 per cent	Females 28 per cent
Total 39.6 per cent	

- **Paid versus Unpaid Work**

Paid 11,932	Unpaid 715

19. Annual export values continue to increase primarily due to continued exports of tuna by locally based fishing operations. However, the RMI continues to rely heavily on imports and continues to run a negative balance of payments. The primary export products include:

*Frozen fish (tuna) *Topical fish

*Ornamental clams and corals *Coconut oil and copra cake

*Crafts

- **Key Land Characteristics Value**

Agricultural land (sq. km) in Marshall Islands 130.0

Arable land (hectares) in Marshall Islands 2000.0

Arable land (% of land area) in Marshall Islands 11.1

Permanent cropland (% of land area) in Marshall Islands 44.4

Land area (sq. km) in Marshall Islands 180.0 (70 sq. miles)

(Source: World Bank Report 2012)

Women's Developments

20. In 2013, the Government, in collaboration with NGOs and with technical assistance from the Secretariat of the Pacific Community (SPC), led efforts to develop the National Policy on Gender Mainstreaming to replace the National Women's Policy that expired in 2010. The policy was developed in line with the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the National Strategic Plan (NSP), the Pacific Plan, the Millennium Development Goals (MDGs), the Beijing Platform for Action, the Revised Pacific Platform for Action for the Advancement of Women and Gender Equality, and the 2012 Forum Leaders' Gender Equality Declaration. The policy was reviewed and approved by the Government in early 2015. The purpose of the Gender Policy is to 'guide the process of developing laws, policies, procedures and practices that will address the needs, priorities and aspirations of all women and men and effectively eliminate all forms of discrimination and inequality." The five priority outcomes are:

- Strengthened capacity across the government to deliver gender-responsive programs and services;
- Secured family wellbeing;
- Elimination of gender-based violence and protection and care of survivors;
- Enabling environment for an equitable participation in and benefit from economic development; and
- An equitable participation of women and men in decision-making.

21. Earlier in August 2012, the RMI had signed the Pacific Leaders Gender Equality Declaration from the 43rd Pacific Islands Forum held in Rarotonga, Cook Islands. This commitment is an annex to the Forum Communiqué and came out of a

"new determination and invigorated commitment to efforts to lift the status of women in the Pacific and empower them to be active participants in economic, political and social life." The Declaration includes renewed commitments to addressing gender equality in the areas of gender responsive government programs and policies, decision making, economic empowerment, ending violence against women and health and education. Leaders also called for assistance from development partners to help meet these goals and agreed that progress on the economic, political and social positions of women should be reported on at each Forum Leaders' Meeting.

22. The RMI is a party to the Revised Pacific Platform for Action on Advancement of Women and Gender Equality (PPA) (2005-2015), a regional charter developed and agreed to by representatives from Pacific Island countries and territories. It provides targets and details indicators on women's rights and gender equality. It serves as a regional reference for developing national gender equality policies and mainstreaming gender issues. Additionally, it includes recommendations on how to address emerging issues, including poverty, globalization, HIV/AIDS, labour migration, peace and security, tradition and religion, media, and communication technology. The RMI takes part in activities in support of the PPA, including regular attendance at the Triennial Conferences of Pacific Women and Pacific Ministerial Meetings of Women.

23. In late 2014, the RMI sent a high level delegation to the Asia and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20 Review in preparation for the global review at the 59th CSW in 2015. The RMI was an active participant in the sessions and the development of the "Asian and Pacific Ministerial Declaration on Advancing Gender Equality and Women's Empowerment," which was adopted by consensus. In preparation for this conference, the RMI also compiled and submitted a country report, which identified major successes over the 20 years since the adoption of the Beijing Declaration and Platform for Action as well as challenges that the RMI continues to face. The RMI was also represented at the CSW60 in March 2016 in New York.

Part II. Commentary on the Articles of the Convention

Article 1 — Definition of discrimination

24. The Bill of Rights in *The Constitution* enumerates civil rights and freedoms. Article II, Section 12, states: "all persons are equal under the law and entitled to the equal protection of the laws." It further provides that "no law and no executive or judicial action shall, either expressly or in its practical application, discriminate against any person on the basis of gender, race, colour, language, religion, political or other opinion, national or social origin, place of birth, and family status or descent."

25. The Marshallese traditional custom or *manit* complements the *Constitution*, as is evidenced in *Article X of the Constitution* on Traditional Rights where it states that, "Nothing in Article II shall be construed to invalidate the customary law or any traditional practice concerning land tenure or any related matter in any part of the Republic of the Marshall Islands, including, where applicable, the rights and

obligations of the Iroijlaplap, Iroijedrik, Alap and Dri Jerbal". Furthermore, the Marshall Islands is a matrilineal society, where women are owners of land resources and have traditionally been respected as decision-makers.

26. In addition, the *Constitutional Convention Act, 2015*, proposes, amongst others, to amend Article II, Section 12 (2) of the *Constitution*, to prohibit sexual discrimination as basis of discrimination.

Awareness Raising

27. The majority of awareness raising regarding the Convention had been undertaken by the Non-Governmental Organization (NGO) community, in particular Women United Together Marshall Islands (WUTMI). The Government also continues its awareness raising programs through local media outlets including the national radio station V7AB, the Marshall Islands Journal (privately owned) and the social media. The Public School System (PSS) and the Ministry of Health (MOH) have regular information programs on the national radio station that often touch on human rights issues including sanitation, parenting skills, and substance abuse in youth.

28. Beginning in 2012, the government expanded its ability to reach outer islands communities with important messages through Wa Kuk Wa Jimor (WKWJ), which visits three outer islands yearly through the pilot phase of the mobile team project. The WKWJ team delivers information and conducts capacity building activities on issues including reproductive health and family planning, food and water security, solid waste disposal and run awareness raising sessions on gender based violence, human rights, child rights and other youth issues.

29. In the past, the Government had been raising awareness through the establishment of the Resource Development Committee (RDC), the Cabinet-mandated committee responsible for overseeing human rights treaty reporting and implementation. The Committee was made up of representatives from a number of Government agencies and civil society organizations. The RDC representatives attended a workshop organized by the RMI and run by OHCHR and UNICEF in August 2009 on the CEDAW and CRC reporting processes. The RDC also attended follow up workshops on CEDAW and UPR conducted and organized by RMI with technical assistance from OHCHR, UN Women, RRRT and PIFS in 2014. The RDC has been replaced by the Human Rights Committee (HRC).

30. In January 2016, MOIA coordinated a workshop on CEDAW implementation and reporting processes where representatives from the HRC, Government ministries, agencies and NGOs attended the workshop. Also, in collaboration with the Office of the Auditor General, WUTMI, the PSS and members of the NGO community organized and administered art and essay contests focused around eliminating violence and corruption in the RMI. These contests have been very successful in engaging teachers and students of all ages on human rights issues and have also helped create valuable awareness raising tools.

31. Recent increase in the numbers of women defending themselves in the courts shows evidence of increased awareness among women about domestic violence and their rights to access legal services, particularly, in Majuro and Ebeye. Improved access to legal protection also accounts for the upsurge in women seeking

protection. The *Domestic Violence Protection and Prevention Act, 2011 (DVPPA)*, allows the Courts to streamline the restraining order process so that a victim of abuse can request protection without the need of engaging a lawyer by simply filling out an application form at the High Court. The application for the protection order may be made orally, by telephone, by radio, in writing, by facsimile, telex or email, or any other mode as required by the court. The court records show that in 2013, no cases were filed under the *DVPPA*. In 2014, 9 civil cases were filed under the *DVPPA*, 4 of the cases were issued Permanent Protection Orders. In 2015, 10 civil cases were filed, 8 later received Permanent Protection Orders. The first 3 months of 2016, 5 civil cases have already been filed in the High Court, a rate that if it continues would exceed last year's 10 cases. As of January 2016, no criminal cases have ever been filed under the *DVPPA*. Although there is no detailed reporting or statistics to pinpoint the reason for this trend, a possible reason for this failure to pursue criminal action under the *DVPPA* or the *Criminal Code* could stem, in part, from the fact that often times the abused victims would retract and refuse to come forth causing difficulties in pursuing the no-drop policy, especially in cases where there is insufficient evidence. Additionally, under the *DVPPA*, Protection Orders and Domestic Violence Penalties are the end result, whereas under the *Criminal Code*, criminal sanctions are available. There is a need for a more detailed study of the *DVPPA* as it is right now and some way forward.

32. There have been limited awareness raising and outreach programs to women in the outer islands about domestic violence and their rights to access legal services and protection. Due to lack of funding and resources only three outer islands are being outreached by the WKWJ program. Additionally, the national radio station does not reach the outer islands and the local newspaper is available in Majuro and Ebeye only. There are also no records available for the outer islands to show how aware women in the outer islands are about domestic violence and about their rights to access legal services. The national radio station hasn't been able to reach the outer islands for about 3 years, but it's currently being upgraded. Though data are not readily available on domestic violence in the outer islands, we know domestic violence exist because emergency calls are and have been made to Majuro.

Future Implementation

33. While there seems to be some increase in awareness, the number of cases filed under the DVPPA does not even come close to the number of women experiencing domestic violence as reported in the latest FHSS report. To increase awareness, the Government is collaborating with WUTMI to implement the AENOMMAN Project, under the grant awarded to MOIA from the United Nations Trust Fund to end violence against women and girls in the RMI. The project includes trainings and public awareness programs in individual schools, churches, during events and in local communities in the urban centres and outer islands.

Article 2 — Obligations to eliminate discrimination

Principle of equality

34. The Government of the Republic of the Marshall Islands (RMI) is committed to creating an enabling environment for all women and men to develop their

capacities and fulfil their aspirations. The commitment to "empower each citizen with both responsibility and opportunity" for the benefit of the "sustainable, equitable and measurable development reflecting the priorities and culture of the Marshallese people" has been made through RMI's National Strategic Plan 2015-2017 (NSP). To achieve the objectives of sustainable development, wellbeing, and peace, appropriate conditions need to be created to make sure that women and men have equal rights, equal opportunities and equal access to services in order to reach their full potential in all areas of life. RMI has committed to achieve gender equality through international and regional conventions and instruments, which include the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), the Millennium Development Goals and Pacific Plan, the Beijing Platform for Action, the Revised Pacific Platform for Action for the Advancement of Women and Gender Equality, and the 2012 Forum Leaders Gender Equality Declaration.

35. Traditionally, RMI is a matrilineal society where women have been decision-makers and owners of land resources and there is recognition of their significant contributions to the peaceful development and wellbeing of families, community and to society as a whole. Existing laws are in place and the strength of the traditional beliefs are still intact, but have not eliminated a tendency to stereotype gender roles. Stereotypes that continue to affect understanding of gender roles include the belief that the place of a woman is in the home while men should occupy the public space and be the breadwinner. Additionally, positions of leadership and decision-making are now regarded as male roles.

36. Today, in a changing world where women are educated as well as men, where families need more resources to fulfil their needs and women are increasingly contributing to their families' incomes, and where there is growing environmental threats, the contribution of women in the development of the country cannot be limited. Fundamental values of the culture include caring for each other, respect and partnership. These are required to address the imbalance today between women and men and to eliminate discrimination. Applying these values will help ensure that the fundamental human rights of women and men are respected and that all women and men have equal opportunities and share the benefits of development.

Future Implementation

37. The RMI needs to look fully into the following issues: (a) Provision for sexual and reproductive health is well established, but the difficulty of accessing the products and services remains a problem, especially for women in the outer islands; (b) The teenage pregnancy rate (20.6 per cent of total number of live births) is higher than in most other Pacific Island countries. (2013 MOH Annual Report); (c) On average, 1 woman out of 2 has experienced physical violence in their lifetime. (2014 FHSS); Women's economic empowerment remains a key challenge, as women continue to face limited job opportunities and remain underrepresented in management positions. Women in the workplace also face weak protection mechanisms and laws, particularly in the private sector. (Beijing Platform for Action National Review 2014); (d) The rate of men in the labour force was 54 per cent in 2011 as opposed to 30 per cent for women. There is a growing number of women in

the public service, although men dominate most senior positions. (PSC Report 2014); (e) Women's representation in the Nitijela and other high-level decision-making and management positions is low. The table below show the number of women and men in leadership positions in RMI:

1	Number of candidate stood for council seats	822
	Percentage of female stood for council	15%
	Percentage of male stood for council	85%
	Number of female stood for council seats	125
	Number of male stood for council seats	697
	Number of seats	314
	Number female won election	56
	Number of male won election	258
	Percentage of female council members	18%
	Percentage of male	82%
2	Number of candidate stood for mayor seats	72
	Percentage of female stood for mayor	8%
	Percentage of male stood for mayor	92%
	Number of female stood for mayor seats	6
	Number of male stood for mayor seats	66
	Number of seats	24
	Number female won election	3
	Number of male won election	21
	Percentage of female mayors	12%
	Percentage of male mayors	88%
3	Number of candidate stood for Nitijela seats	91
	Percentage of female stood for Nitijela	5%
	Percentage of male stood for Nitijela	95%
	Number of female stood for Nitijela seats	5
	Number of male stood for Nitijela seats	86
	Number of seats	33
	Number female won election	3
	Number of male won election	30
	Percentage of female won election	9%
	Percentage of male won election	91%

(*Source*: MOIA Electoral Office 2016)

Legal Measures to eliminate discrimination

38. The principle of non-discrimination on the basis of sex is enshrined in the Constitution and other laws. The Legislative context for equality and non-discrimination is provided for in the following legislation:

- ***Domestic Violence Prevention and Protection Act, 2011 (DVPPA)***: The law is a wide reaching law that defines domestic abuse broadly. Section 904 states that a person commits an act of domestic violence if he or she assaults a family member; psychologically abuses or intimidates a family member; sexually assaults a family member; economically abuses a family member; continuously and unlawfully restrains the freedom of movement of a family member; stalks a family member; unlawfully behaves in an indecent manner to a family member; or unlawfully damages or causes damage to a family member's property. An important inclusion in the *DVPPA* is the No-Drop Policy found in Part 5 of Section 924. The No-Drop Policy states that a police officer must immediately investigate and press charges if appropriate once a report of domestic violence is received. Furthermore, it provides that a prosecutor must proceed with a case in court as long as the prosecutor believes that an act of domestic violence has been committed and he has sufficient evidence to proceed with the case. The No-Drop Policy was included to relieve the family from cultural pressure that often prevents people, most often women, from reporting domestic violence, or following through if they do report.

- ***The Criminal Code (amended 2013)***: In 2011, the Criminal Code underwent a major transformation based upon the Model Penal Code. The new Criminal Code retained the sexual assault provisions and included new provisions criminalizing harassment and stalking, provided for the defence of insanity; and repealed the *Prostitution Prohibition Act*, to provide for criminal offenses for prostitution and trafficking in person in the Criminal Code. The law was amended to update sexual assault laws; expanded the definition of rape to include a broadened definition of sexual assault penetration and removal of the exception to rape for forced sex with a marital partner. Provided different degrees of sexual assault. It recognized non-consensual sexual contact without penetration as sexual assault. It criminalized sexual contact with a minor under the age of 14 without regard to consent. Also provided that a victim's testimony is not required to be corroborated and the victim does not need to resist the actor for an offense to occur.

- ***The Marshall Islands Public School System Act (MIPSSA), 2013***: An Act to repeal Chapter 3, Title 14 of the MIRC the *Education Act of 1992*, and to enact in its place an Act to establish an autonomous public school system; it includes as the goal of the public school system "to provide a thorough and efficient system of education to all children in the Republic, regardless of socioeconomic status, disabilities, or geographical location."

- ***Child Rights Protection Act, 2015***: An Act to declare the rights of children and provide for their protection, promotion, enforcement, and implementation in the Republic of the Marshall Islands as required under the United Nations Convention on the Rights of the Child. The Act repealed *The Sale of Tobacco Act 1966, Child Abuse and Neglect Act* and *Adult Film Act 1994*.

- ***Rights of Persons with Disability Act, 2015***: An Act to declare the equal rights and freedoms of all persons with disabilities and provide for the protection, promotion and enforcement of those rights and freedoms, as a step towards implementing the legal obligations of the Marshall Islands, as a State Party to

the United Nations Convention on the Rights of Persons with Disabilities, and to make related provisions.

- ***Human Rights Act, 2015***: An Act to establish a Human Rights Committee, to provide for its membership, functions, powers and administration, to establish a complaint mechanism for the redress of human rights violations, and for related purposes.

39. The *Births, Deaths and Marriages Registration Act 1988* [26 MIRC Ch. 4] states that "In order to contract a valid marriage it shall be necessary: (a) that the male at the time of contracting the marriage be not less than eighteen (18) years of age and the female be not less than sixteen (16) years of age; (b) that where the female is not less than sixteen (16) years of age but less than eighteen (18) years of age one of her parents or her guardian shall consent to the marriage. A Bill has been submitted to the Cabinet by the Minister of MOIA to be presented to the Nitijela (Parliament) to amend the age of female from 16 to 18. Previous RMI national report erroneously stated the law had already been amended. The RMI apologizes for the misrepresentation.

National Policies & Measures

40. The following is a list of the current government policies and action plans that impact the lives of women and address challenges they face, including discrimination.

- **National Strategic Plan (NSP) (2015-2017)**: The NSP's objective of "sustainable, equitable and measurable development reflecting the priorities and culture of the Marshallese people" is based on a foundation of non-discrimination. As further explained within the NSP, the objective "empowers each citizen with both responsibility and opportunity. Through the successful implementation of the NSP, every citizen can expect to enjoy improved quality of life in all areas including (but not limited to), health, education, energy, food security, law and order, gender equality, employment opportunities and disaster mitigation. Furthermore, this empowerment is more deeply broadened by the embracing of culture as a unifying force for sustainable development of the Marshall Islands."
- **National Gender Mainstreaming Policy 2014**: The purpose of the National Gender Mainstreaming Policy is to guide the process of developing laws, policies, procedures, and practices that will address the needs, priorities, and aspirates of all women and men and effectively eliminate all forms of discrimination and equality. Specific strategic actions that address discrimination include reviewing school curricula and all teaching materials in order to eliminate gender stereotypes and all forms of discrimination, putting in place policies and practices that enhance gender parity in political representation, implementing national employment legislation and policies to remove discriminatory policies, enhancing trainings for judges, prosecutors, lawyers, police and health workers on the DVPPA and human rights commitments, and supporting the members of Nitijela and local governments to take into account gender equality and human rights commitments in their functions.

- **National Youth Policy (2009-2014)**: The Policy is being reviewed and updated with the assistance of SPC RRRT. The purpose of the Youth Policy is to promote and realize coordination among organizations serving the youth population by mobilizing and engaging young people as partners in development and by promoting collaboration between government, NGOs, churches and the communities. An amendment to the *Marshall Islands Youth Advisory Act* to include youth-related organizations was adopted by the *Nitijela*. The Youth Policy addresses the following priority policy areas: young people, families and communities; education and training; career development, employment and livelihood; health and social services; cultural and creative arts; sports and recreation; and youth machineries and youth development programs. These policy areas address the key areas identified by community and stakeholder participants in consultations: lack of family and community support, youth unemployment, school dropouts, teenage pregnancy, substance abuse, depression and suicide, juvenile crime, and loss of culture and identity. All activities in the key policy areas are to be implemented in line with the following values and principles: youth participation and youth voice, partnership, equity, sustainability, accessibility, diversity, and transparency.

- **National Policy on Disability Inclusive Development Action Plan (2014-2018)**: Non-discrimination is an overarching principle of the RMI National Policy on Disability Inclusive Development. Priority Area 10 within the policy specifically addresses women with disabilities and the compounded discrimination they are likely to face. Objectives include that all women with disabilities enjoy their full enjoyment of all human rights and fundamental freedoms, that violence against women with disabilities is effectively addressed, and that youth with disabilities are empowered to participate fully in society.

- **National Reproductive Health Policy/Strategy (2014-2016)**: In light of RMI's commitments under the International Conference on Population and Development (ICPD) and the MDGs, the RMI is active in improving reproductive health services, including making pregnancy safe and offering adequate family planning services. The policy envisions quality service of Sexual and Reproductive Health (SRH) for all the people of the RMI. The thematic areas of the policy are maternal and neonatal health, provision of family planning, adolescent sexual and reproductive health, the control of STIs/HIV and integration with other SRH programs, other gynaecological morbidities, cervical and breast cancer, gender and reproductive health, reproductive health commodity security, and male involvement in reproductive health.

- **RMI Prevention of Adolescent Pregnancy: A 3-year Strategy (2014-2016)**: In 2014, the RMI developed the Prevention of Adolescent Pregnancy Strategy. This strategy is based on the identification of adolescent pregnancy as a major social issue, with a recorded adolescent fertility rate of 85 births per year per 1000 women aged 15-19, which is by far the highest adolescent pregnancy rate in the Pacific. The specific actions within the strategy were based on qualitative and quantitative data collected. The five strategic areas are: commitment, prioritization and policies, youth-friendly services and

environment, early education and intervention, and support. To implement this strategy, YTYIH has been granted the Teen Pregnancy Prevention Project, commencing in 2016 and continuing for the next 5 years. Collaborating partners with YTYIH are MOH, PSS and MOIA.

- **RMI Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management (JNAP) (2013-2018):** The JNAP provides a detailed strategy for "holistically and co-operatively" addressing risks in the RMI. The JNAP's goals include: establishing and supporting an enabling environment for improved coordination of disaster risk management/climate change adaptation in the RMI, public education and awareness of effective Climate Change Adaptation and Disaster Risk Management from local to national level, enhanced emergency preparedness and response at all levels within the RMI, improved energy security while working towards a low carbon future for the RMI, enhanced local livelihoods and community resilience for all people of the RMI, and an integrated approach to development planning including consideration of climate change and disaster risks.

  - Reimaanlok National Conservation Plan (2008)
  - Reimaanlok Field Guide (2012)
  - RMI National Food Security Policy (Draft July 2013)
  - PSS Child Rights Protection Policy

41. The RMI Public Service Regulations prohibit discrimination against a person with HIV/AIDS, TB or another communicable disease. The Regulations, as well as government policies will be reviewed and adjusted to provide corresponding protection policy against discrimination on the basis of sex, gender, age or other status to reflect the Constitutional mandate against such forms of discrimination.

Disaggregated Data

42. There are no legal provisions for the collection of disaggregated data. Some disaggregated data is available for education, health and to some extent the Public Service Commission (PSC). The Government realized the need for accurate data to properly inform policies and activities. Collection of data should be improved and extended to other sectors. The Government endeavours to have all government plans and policies kept in one place and updated regularly so that the most up to date information as well as disaggregated data is available.

43. The Economic Policy Planning and Statistics Office (EPPSO) serves as the RMI gatekeeper for updating progress of the NSP and updating links to all other relevant information. Under the NSP, ministries and agencies are to provide EPPSO with updates so that the NSP electronic platform as well as government information reflect "real time" information. In addition to providing the necessary platform to conduct Monitoring & Evaluation (M&E) in real time, the electronic platform also provides, for the first time, a "one-stop shop" for all RMI and international stakeholders to find real time information regarding government planning, budgeting, legislation, and international Commitments.

44. The electronic platform would include hyper-links to ministry/agency strategic plans, national policy documents, RMI international and regional agreements and other relevant information such as the 2011 RMI Census. This platform is also to include links to an additional range of information including links to other RMI websites. With this menu the electronic platform provides government, donors and other interested parties with information, in real time, not only of NSP progress, but also of ongoing progress in other areas of government.

Programming and Partnership

45. The MOIA has the mandate to focus on gender and women's issues, including addressing discrimination against women. The Gender and Development Office (GAD), originally established as the Women in Development Office (WDO), within the Community Development Division (CDD) in MOIA, is responsible for implementation of these activities. The GAD Office is supported by and works in close cooperation with the other offices within the CDD, which includes the Youth Services Bureau, the Child Rights Office, and the Disability Coordination Office. The Gender Office also works in close cooperation with a number of partners from various government agencies, and NGOs.

46. One particularly strong and long lasting partnership is the one between WUTMI and MOIA. For example, WUTMI and MOIA worked together to establish the *DVPPA* Technical Working Group to coordinate implementation of the *DVPPA* across sectors. Furthermore, MOIA as the implementing partner and WUTMI as the sub-contractor, administered the Family Health and Safety Study (FHSS) using the WHO methodology in 2012. A summary report was introduced in December 2013 and a final report was approved by the Cabinet in early 2015. This study was funded by AusAID through UNFPA.

47. WUTMI has been an active partner of the Government in activities addressing discrimination against women since 2002. Beginning that year, WUTMI was a sub-recipient of the MOH's grant from the Centers for Disease Control (CDC) to conduct a small-scale study on violence against women in the Marshall Islands. This project was entitled Women Against Violence through Education (WAVE). The study was conducted on four atolls: Majuro, Kwajalein (Ebeye), Mili and Ebon. The results of the survey showed that violence against women (VAW) is a major issue for women and families with roughly 80 per cent of women reporting having experience physical abuse. The results provided baseline data that helped direct future projects on elimination of violence against women (EVAW) by both Government and NGOs. Although WUTMI implemented this project, MOH was the primary recipient of the grant. WUTMI often work in close collaboration with the Government where Government projects benefit from WUTMI's experience and expertise.

48. In 2006, WUTMI received a grant from AusAID to raise awareness on EVAW and human rights. This project was entitled Protecting Our Women — Enhancing Human Rights (POWEHR). Under POWEHR, WUTMI began conducting awareness raising activities on VAW. Additionally, WUTMI coordinated a review of relevant legislation to determine how well women were protected and what gaps existed. As a result of this project, amendments to the criminal code were introduced to the Nitijela. These amendments were later withdrawn once it became apparent that they

were insufficient under CEDAW, which the RMI had recently ratified. This original attempt at addressing domestic violence in the MIRC laid the groundwork for the eventual introduction and enactment of the *DVPPA*.

49. In 2010, WUTMI started work on the Initiative for a Better Response to Address Violence Everywhere (iBRAVE), funded by the United Nations Trust Fund to End Violence Against Women, in close partnership with the CDD of MOIA. This project consisted of two prongs: public awareness and legislation and policy reform. The public awareness prong enabled WUTMI to expand its public awareness to five outer atolls (Kwajalein, Mili, Jaluit, Alilinglaplap and Wotje) and presented a coordinated campaign using the slogan "Baamle Mokta" (Family First). On the legislation and policy side, WUTMI supported the drafting of and consultations on legislation prohibiting domestic violence in partnership with the CDD at MOIA. After significant lobbying efforts, the *DVPPA* was passed by Nitijela and signed into law in the fall of 2011. Through the iBRAVE project, WUTMI also helped facilitate implementation of the *DVPPA* through the development of first response protocols for police and health care providers. The Police protocol was launched in December 2013.

50. The Marshall Islands Police Department (MIPD) has established a Domestic Violence Unit (DVU). With support from the Government, CMI and WUTMI, the MIPD developed First Response Protocols for officers responding to domestic violence calls. Representatives of the MIPD have attended regional and sub-regional trainings on DV and policing. They have also attended community workshops with WUTMI to discuss the MIPD's role in addressing violence against women and domestic violence. Furthermore, they are receiving on-going support and guidance from the Australian Federal Police (AFP) and the Pacific Prevention of Domestic Violence Program (PPDVP) as well as the Guam Police Department. The MIPD just recently returned in April 2016 from a training facilitated by the Fiji Women's Crisis Centre on violence against women and human rights in Pohnpei, FSM. The training focused on improving their awareness of the issue and to help the officers and the police forces respond better to violence against women, to help survivors with appropriate referrals and to better understand the relevant laws.

51. The National Task Force on Human Trafficking was established to provide a forum for the discussion of and consultation on issues pertaining to Human Trafficking and the effects it has on the population of the RMI and its international partners. It is the advisory body duly authorized to make recommendations on the issue of human trafficking.

52. In 2012, members of the community working in the field of counselling were able to attend an on island training on domestic violence counselling provided by the Fiji Women's Crisis Centre. WUTMI provided support for this training through the iBRAVE project. This training was attended by WUTMI staff, staff from MOIA, as well as members of the Counsellor's Association.

Future Implementation

53. Public Service Regulations, as well as Government policies need to be reviewed, developed and adjusted to provide protection policy against discrimination, including on the basis of sex, gender, age or other status.

54. As pointed out in the *RMI Report for the International Conference of Small Islands States (SIDS), 2014*, there is a need for technical assistance and training of local people to enhance the current efforts the RMI has been taken in its data collection, to improve the way its statistics and data are collected, analysed and reported. While capacity building activities with development partners including UNFPA, ADB and SPC have been conducted in the past, there is still room for improvements.

55. The EPPSO has started work on specific gender indicators and trends with the MOH, and this could be extended to the R&D and other sectors. The gender statistics work will involve a process of compiling key gender indicators in one comprehensive framework, developing user-friendly 'situation of women' statistical reports, conducting policy analyses based on the priority indicators with relevant government agencies, and collaboratively developing policy responses.

56. In addition, RMI and UNESCAP collaborates to implement goal 8 of the *Incheon Strategy*; Goal 8 of the *Incheon Strategy* accords particular priority to data collection, calling for improvement of the reliability and comparability of disability data across countries in the Asia and Pacific region. The RMI will start collecting data using the Washington Group Questions. The Washington Group question set are for use on national Censuses for gathering information about limitations in basic activity functioning among national populations. The objective is to identify persons with similar types and levels of limitations in basic activity functioning regardless of nationality or culture.

57. Partnerships are a successful method of addressing violence against women and girls and overcoming the lack of capacity that often plagues the RMI. The RMI will continue to nourish and expand its partnerships between relevant government ministries/agencies and NGOs as well as with the international and regional communities. Strong partnerships and coordination mechanisms need to be in place between all line and sectoral ministries, outer islands governance mechanisms, and civil society organizations.

Article 3 — Advancement of Women

Government Commitment

58. Advancement of women is a cross-cutting issue in Government's work to implement the Convention and women's advancement is relevant in all areas. The National Gender Mainstreaming Policy, the Beijing reports and the works carried out by the NGOs and MOIA lay the foundation for advancement of women.

59. RMI signed the *Pacific Leaders Gender Equality Declaration* in the 43rd Pacific Islands Forum Leaders Meeting held in Cook Islands. This commitment is an annex to the Forum Communiqué and came out of a "new determination and invigorated commitment to efforts to lift the status of women in the Pacific and empower them to be active participants in economic, political and social life." The Declaration includes renewed commitments to addressing gender equality in the areas of gender responsive government programs and policies, decision making, economic empowerment, ending violence against women and health and education. Leaders also called for assistance from development partners to help meet these

goals and agreed that progress on the economic, political and social positions of women should be reported on at each Pacific Islands Forum Leaders Meeting.

60. The RMI was an active participant in the sessions and the development of the "Asian and Pacific Ministerial Declaration on Advancing Gender Equality and Women's Empowerment," which was adopted by consensus. In preparation for this conference, the RMI compiled and submitted a country report, which identified major successes over the 20 years since the adoption of the Beijing Declaration and Platform for Action as well as challenges that the RMI continues to face. And in late 2014, the RMI sent a high level delegation to the Asian and Pacific Conference on Gender Equality and Women's Empowerment: Beijing +20 Review in preparation for the global review which took place at the 59th CSW in 2015. Just recently in March 2016, the RMI also sent a delegation to participate in the CSW60 in New York.

61. As a party to the *Revised Pacific Platform for Action on Advancement of Women and Gender Equality (PPA) (2005-2015)*, RMI agreed to this regional charter developed and agreed to by representatives from Pacific Island countries and territories. This charter provides targets and details indicators on women's rights and gender equality. It serves as a regional reference for developing national gender equality policies and mainstreaming gender issues. Additionally, it includes recommendations on how to address emerging issues, including poverty, globalization, HIV/AIDS, labour migration, peace and security, tradition and religion, media, and communication technology. The RMI takes part in activities in support of the PPA, including regular attendance at the Triennial Conferences of Pacific Women and Pacific Ministerial Meetings on Women.

62. National Laws addressing advancement of women include the *DVPPA*, the revised *Criminal Code*, *Human Rights Act*, the *MIPSSA*, and the *Rights of Persons with Disability Act*. By addressing Domestic Violence and its social, emotional and health effects in a standalone legislation, the government of the RMI recognized the importance of ending violence against women in order to ensure women are given the greatest opportunity to realize their full potential and equally access opportunities, by emphasizing prevention and taking an expansive view of the definition of domestic violence as well as its effects. The *Criminal Code* strengthened provisions that protect against the exploitation of women, including creating standalone provisions outlawing prostitution and trafficking of persons within the *Criminal Code*. The government of the RMI acknowledged the role that a strong criminal code free of bias can have in protecting residents of the RMI, including women, and allowing them to reach their full potential. The *MIPSSA* addresses issues that threaten access to education and quality of education within the new Act. The Government of the RMI recognized the role that a strong education system can play in the advancement of women and the development of the country as a whole. The *Rights of Persons with Disability Act* declares the equal rights and freedom of all persons with disabilities and provide for the protection, promotion and enforcement of those rights and freedoms.

63. There is evidence of progress in the advancement of women in the RMI, as can be seen from the results of the last general election, where the first women President, the Head of the Country was elected in 2016, H.E. President Hilda C. Heine. Progress is also evident in the increased number of women in the RMI

Nitijela from one (1) since the inception of the RMI Constitutional Government, to three (3).

National Women's Machinery

64. The original stated goal of the GAD Office was "to increase the role of women in the development of the nation and to empower women in all aspects of life, and continue to support their ideal." Objectives under this goal include increasing participation of women throughout the RMI, empowering women, strengthening the Office's role, and building capacity within the Office. The GAD Office is also tasked with the responsibility to oversee implementation of CEDAW, Gender Policy and other women and girls activities and to provide administrative and coordinating support.

65. The HRC has the responsibility for implementing and reporting on the Convention. The Committee replaced the RDC through the enactment of the *Human Rights Act 2015*. Gender focal points across Government ministries/agencies are yet to be appointed to support any planned gender mainstreaming work. There is a Women's Training Centre in MOIA, which focuses on the training of young women in vocational skills.

66. WUTMI, the umbrella organization for women's NGOs, works closely with the MOIA on gender-related work and the organization is very strong in its community outreach and community capacity building work. WUTMI has branches on all the atolls and outer islands and so has links that are crucial to the full involvement of women in development processes. Work that WUTMI has been involved in includes training for improving parenting skills, gender and leadership programs, resource management projects, programs involving parents as teachers, and considerable work on violence against women. They have also done a lot of work on the development of CEDAW-compliant legislation.

67. The Government seeks technical assistance from partners, such as UN Women and SPC to provide technical training and capacity building to staff to undertake gender and women's human rights analysis and mainstreaming. The relevant skills for mainstreaming gender were rated as very low. Staff of the MOIA have attended various training sessions on gender awareness and gender in development, including recent training on the reporting mechanisms and processes under CEDAW and CR[illegible] Work on CEDAW is currently being advanced through collaborative work with Government ministries/agencies, stakeholders and development partners. Strategic planning for gender mainstreaming is also being broadly inclusive of a range of ministries and agencies, with the inclusion of civil society, such as WUTMI, MLSC and IOM. The GAD Office is currently working on a comprehensive gender mainstreaming policy implementation plan, with technical assistance from SPC, which will include programs addressing gender sensitivity and understanding. Gender issues are incorporated into other trainings including the initial workshop conducted by SPC at the start of developing the Gender Policy; the Gender and Energy Workshop, and a DV counselling training conducted by the FWCC and funded by WUTMI's iBRAVE project.

68. There is no National Human Rights Institution or Ombudsman. Under the *Constitutional Convention Act, 2015*, Proposal No. SC 17, seeks to amend the

Constitution to allow for a separate and independent office or body to institute, conduct or discontinue, any proceedings relating to fraud, corruption, misconduct of office and other ethical misconduct by elected or high officials. Proposal No. SC 18, requests appropriate provisions in the *Constitution* to provide for the establishment of an Office of Ombudsman. The government acknowledges the valuable role that a National Human Rights Institution or Ombudsman could play, and remains interested in accessing technical assistance in the establishment of such an office or ombudsman.

Disabled Women and Girls

69. The *Rights of Persons with Disabilities Act, 2015* and the Disability policy adopted by the Nitijela ensure that persons with disabilities are not being discriminated against. In September 2015, the *Constitutional Convention Act 2015* was enacted, in which it contains a proposed amendment to include sexual discrimination and disability as prohibited grounds for discrimination. The government acknowledges that in practice, people with disabilities still have difficulty in accessing public services and also challenged with the limited employment opportunities available. The government is committed to addressing these issues, therefore, open to assistance, both financial and technical, from partners in the areas of legal and policy review, as well as infrastructural changes.

70. In recent years, PSS's partnership with WorldTeach provides volunteer teachers with hearing impairment to work with students with similar hearing disabilities on Majuro. Additionally, the Disability Coordination Office provides support to Marshall Islands Disabled Persons Organization (MIDPO) and coordination for activities that support children with disabilities.

71. The 2011 Census collected information on whether disabilities prevented the completion of an individual's daily activities. Disabilities were classified as being related to seeing, hearing, walking, climbing steps or using arms, and remembering or concentrating. Overall, 11.7 per cent of the household population in the RMI reported having some form of disability. 12.6 per cent of females reported having a disability compared to 11.3 per cent males. Additionally, 3.1 per cent of females reported having two disabilities as opposed to 2.8 per cent of males.

Young Women

72. In 2010, the RMI National Youth Policy was finalized and was endorsed by the Cabinet and further adopted by the Nitijela in March 2011. The policy, though designed to cover the period 2009 to 2014, has only been partially implemented and is without an approved implementation plan. The Youth Policy is to promote and realize coordination among organizations serving the youth population by mobilizing and engaging young people as partners in development and by promoting collaboration between Government, NGOs, churches and the communities.

73. In April 2012, the RMI government requested support from the UNDP to design an implementation plan and costing framework to set the stage for effective implementation of the RMI National Youth Policy. A national workshop of stakeholders was held in August 2012 to design the plan inclusive of a costing

framework for implementation. The resulting implementation plan and costing framework covered the period January 2013 to December 2014. The National Youth Policy is in the process of being revised.

Future Implementation

74. Over the past decade gaps in areas such as access to higher education, paid work and high level job posts have narrowed, but still exist. Progress has resulted from changing attitudes and expectations and programs that have improved conditions for women. The RMI, NGOs and international and regional partners have worked together to achieved such advancement. Despite the advancement, new issues have also emerged along other ongoing issues and a review of current policies need to be reviewed in light of economic changes and other factors.

75. One of the five priority outcomes to achieve as a nation in implementing the National Gender Mainstreaming Policy is: strengthened capacity across government to deliver gender-responsive programs and services. The delivery of gender-responsive programs and services requires a good understanding of the diversity of needs women and men may have across all dimensions of their lives. Additionally, the fact that women face additional hurdles due to social and cultural barriers that contribute to disadvantages they may face must be considered — induced discrimination, social, cultural or economic inequalities, and prevention from accessing equal opportunities. Therefore, all ministries and departments, including local government bodies, must adopt a gender mainstreaming approach.

76. A 2010 stocktake of the capacity of the Government of RMI to mainstream gender reported that gender issues were rarely mentioned in high-level discussions; very few sectors were using sex-disaggregated data; gender analysis was not used in the policy and program development process; there was no accountability or reporting measures related to mainstreaming gender in the government; resources allocated to addressing gender issues were largely insufficient; and there was very limited technical capacity to conduct gender analysis and support the gender mainstreaming approach.

77. With the recent appointment of the new Gender Development Coordinator and the new Gender Development Officer and with technical assistance from the newly appointed RRRT Country Focal Officer (CFO) to RMI, the GAD Office has in its work plan, better policy directions and goals, both nationally and regionally, for mainstreaming gender and women's human rights across the government machinery and at the same time ensuring a wider appreciation of gender equality issues by the public.

78. With the MIDPO officially chartered in 2013. MIDPO receives support from the Pacific Disability Forum. MIDPO works in close cooperation with the Disability Coordination Office at MOIA. MIDPO's mandate is to coordinate disability activities and advocate for disability rights. One member of MIDPO's founding board is a female.

79. Until recently, most activity addressing disability was centred on children. PSS's special education program provides services to children and youth with disabilities until age 21. The creation of the Disability Coordination Office and the founding of MIDPO help focus attention and resources on other vulnerable

populations, including women with disabilities. Additionally, the new RMI National Policy on Disability Inclusive Development includes a priority area specifically addressing the needs of women with disabilities, including addressing violence against women with disabilities.

80. The Youth Office within the MOIA is seeking assistance from SPC to revise the Youth Policy, which expired in 2014.

Article 4 — Acceleration of equality between men and women

81. In the overall context of the economic development of RMI, women's economic empowerment remains a key challenge, as women continue to face limited job opportunities and remain under-represented in management positions. Legislative mechanisms to protect the employment and labour rights of workers have not yet been established. There are no legislative anti-discrimination provisions, no maternity leave provisions, no protections for dismissal because of pregnancy, no sexual harassment protections, and no breaks for mothers working both in the private sector, as well as with the Government, to enable them to nurse young children during working hours. Nevertheless, a majority of women are involved in income-generating activities, in the cultural industry or in food production and processing. In many outer island families facing scarce job opportunities, the income earned by women is necessary for the survival of families. Handicraft making is a vital source of income and one which has gained momentum for outer islands women as well as women in the urban centres.

82. Recent data from the 2014 PSC Annual Report shows that men still dominate the top level positions, nevertheless, the report also show increase in female wage earnings within the last 2 years. The increased number of females in top level posts is seen in the nine (9), out of the 22 government department head positions, being held by females. Education or earning of higher college level degrees has driven the progress of women in the workplace. Average earnings of females in 2014 was $12,909 per annum as opposed to $12,881 for males. Of the total of 2212 public servants, 43 per cent are females.

83. There have been several independent projects addressing women's economic empowerment through both non-governmental and governmental institutions. These include the ongoing jaki-ed (fine clothing mats) weaving training programs run by USP; Waan Aelõñ in Majõl (WAM), a very successful grassroots NGO working with young Marshallese. WAM provides a six-month program of vocational and life skills training to youth-at-risk using the medium of traditional outrigger canoes, boat building, carpentry and woodworking; program capacity is twenty-five students; the Juren-Ae, teaches school drop-outs and young mothers basic handicraft and sewing skills; and the establishment of the Women Entrepreneur's (WE) network, by WUTMI. Additionally, the government has supported attendance of local handicraft practitioners in national, regional, and international cultural expositions such as the 12th Festival of Pacific Arts that took place in Guam in May 2016. Over 100 participants represented the RMI during the 12th Festival of Pacific Arts.

84. Temporary Special Measures are part of the discussions on the Constitutional Convention. The proposal put forth as part of the Constitutional Convention:

- Proposal No. SC 9 — To amend Section 1, Article IV, Membership of the Nitijela for the purpose of reserving 6 seats from the current 33, and from within the electorates of Majuro 2 seats, Kwajalein 1 seat, Ailinglaplap 1 seat, Arno 1 seat and Jaluit 1, to be contested exclusively by women candidates.
- The proposal before the Constitutional Convention is for Temporary Special Measures. The Government also has the more permanent option of legislating for reserved seats in the Nitijela to be contested exclusively by women candidates, if the Government so wishes.

Future Implementation

85. In order to support an enabling environment for equal participation for men and women to benefit from economic development, the RMI needs to ensure equal employment opportunities for women and men in all fields of employment and improving working conditions. This includes creating a good balance between family and work-related responsibilities for both women and men, adopting measures to protect women's rights and encourage integrity in the workplace, expanding choices for women and girls in accessing technical and vocational education and training and higher education, and supporting women's entrepreneurship, especially by valuing opportunities within the cultural industry. Legislative mechanisms to protect the employment and labour rights of workers have to be established such as anti discrimination provisions, maternity leave provisions, protections for dismissal because of pregnancy, sexual harassment protections, and breaks for mothers working in the private and government sectors to enable them to nurse young children during work hours. Adopt measures supportive of equitable access for women and men to decision-making positions in both the public and private sectors.

Article 5 — Sex roles and stereotyping

86. Traditional Marshallese custom (manit) included defined roles for men and women that were often complementary and valued the contributions of each sex highly. Several traditional proverbs show these relationships.

- Wa Kuk Wa Jimor: everyone together as one building a canoe as means of survival for everyone, belonging to everyone and keeping everyone together
- Ekakwikwi Jinen Emaan: depicts the protective nature of male members towards their female family members
- Jined ilo Kobo: woman as the compassionate mother, mother and promoter of the Marshallese people, responsible for holding the family together and addressing needs of the family members
- Lejmaanjuri: peacemaker, in each family the mother and older sisters are expected to keep the peace or stop fights between male members of the family

- Ieb jeltok, kora menunak: women as supportive providers, preparing nourishment for the family as well as taking part in making copra, handicrafts, collecting food

- Limaro bikbikir kōlo eo: women as those who preserve and enliven the livelihood of the family and the community, responsible for ensuring that the family and the community do not slack or abandon major or crucial projects, decisions or goals important to the livelihood of the family or the community and that they encourage the men in times of war to be brave and courageous.

87. Leadership and decision makings, however, are now thought of as men's roles, and this view is reflected in all aspects of political, civil and family functions. Consequently, participation of women at the national decision-making level remains limited, with women being under-represented in the legislative and executive branches of government. At the national level, the number of women in the Parliament has increased from just one (1) since the inception of the RMI Constitutional Government in 1986, to three (3) in 2016. That is three (3) out of thirty-three (33) Members of the Nitijela. Still some ways to go for gender equality in the Parliament, however, RMI has jumped a quantum leap by having the first woman President elected in January 2016. Women have the right to sit on the Council of Iroij, but the custom is that females designate their male brothers or uncles to represent their family. Currently, in the 12-seat Council of Iroij, which serves a largely consultative function dealing with custom and traditional practices, 2 seats are occupied by women. At the local government level, three (3) of 24 mayors are women.

88. Increasing the representation of women in leadership positions is not only a matter of demonstrating women's abilities to take part in decision-making but also changing mindsets about the right of women to participate in public affairs. Additionally, inclusive participation in decision-making is an indicator of good governance. When women participate significantly in decision-making with men, it creates a stronger platform to address a broader range of concerns and needs. To support the equitable participation of women and men in decision-making, we need to undertake more civic education, encourage political leaders to be more supportive of female candidates, further develop women's leadership and communication skills, build the capacity of the media to promote a positive image of female leaders, discuss the adoption of temporary special measures, and promote more women in decision making and senior management positions in both the public and private sectors.

89. There have not yet been significant studies on the traditional roles of men and women in RMI society and how these roles affect the lives of women. However, the Demographic and Health Survey addressed issues affecting the lives of men and women and touched on traditional roles and attitudes. The Child Protection Baseline Report (CPBR) and Family Health and Safety Study (FHSS) provide a basic understanding of widely held beliefs, mostly regarding violence against women and children and traditional sex roles, but there are many questions left unanswered that could be addressed by a more comprehensive study. Both DHS and FHSS showed that a majority of both men and women believe that there are legitimate reasons that a man may beat his wife. There obviously is a need for further examination of why

this is the case so that appropriate campaigns to change this mindset and similar beliefs can be undertaken.

90. There are no government run programs on family education or parenting skills. In the past, MOIA has implemented a Population/Family Life Education Program. The official goal of the Population/Family Life Education Program was "to inform the community on the impact of population growth on the family, the community and the nation." Specific objectives included increasing awareness on population growth issues, to update materials that are readily available, and capacity building among program staff. Activities included conducting school visits, raising community awareness, conducting community surveys, conducting materials development workshops, conducting needs assessments, and conducting trainings for trainers. The Population/Family Life Education Program is not currently being implemented because of budget constraints.

91. The Government does provide financial support for the Parents as Teachers (PAT) program that is implemented by WUTMI. PAT works directly with parents (mostly mothers) of children from before birth through five years of age. The curriculum is based on the science of early child development and has been translated into Marshallese and integrated with traditional Marshallese values by the PAT team. The PAT program operates only on Majuro and would benefit from additional funding and support that would allow it to operate on Ebeye and the Outer Islands.

Future Implementation

92. Further examination of why a majority of both men and women believe that there are legitimate reasons that a man may beat his wife or that the place of women is in the home and men should be the only bread winners, so that appropriate campaigns to change this mindset and similar beliefs can be undertaken.

93. Government run programs on family education or parenting skills needs to be established similar to the Population/Family Life Education Program that used be run by MOIA. The program is no longer implemented because of budget constraints, but with the AENOMMAN Project and assistance from partners, the activities in that program could be re-instated. The same activities are in the AENOMMAN project work plan and are currently being implemented by MOIA in collaboration with WUTMI.

94. Include civic education, gender equality and human rights in the school curriculum. Increase political party support for female candidates. Put in place policies and practices that enhance gender parity in political representation. Increase the knowledge and capacity of government officials and the community to take into account gender perspective in their functions. Strengthen the leadership, communication and advocacy skills of female candidates.

Article 6 — Exploitation of women, trafficking and prostitution

95. The *Criminal Code*, repealed the *Prostitution Prohibition Act* and provides for the offenses of prostitution and trafficking in persons within *The Criminal Code*. Engaging in prostitution is a felony of the third degree. Patronizing prostitution is

also a felony of the third degree. Additionally, the law makes prostitution houses illegal as public nuisances.

96. The *Child Rights Protection Act, 2015* prohibits trafficking in persons. It is a third degree felony. Trafficking in children is a second-degree felony. Consent to trafficking is not a defence. Exploitation of people not legally entitled to work is a fourth degree felony. Examples of this include taking the employee's travel documents, preventing communication or limiting freedom of movement.

97. There is limited data on the demographics of the women who are victims of trafficking, the people who facilitate the trafficking of women, the reasons why women engage in sex work, or the degree to which sex work in the RMI is organized. While the MOH lists sex workers as a target group for the provision of services including treatment, care and support, there is no record of anyone coming forward to take advantage of these services and no women who engage in sex work have been otherwise identified to receive these services. There have been a few successful prosecutions of women prostituting other women. These cases were prosecuted under the prostitution provision, though coverage of the cases suggests that the facts would have qualified them to be prosecuted under the trafficking sections.

98. In 2013 WUTMI hosted the US National District Attorney's Association (NDAA), which conducted a workshop on human trafficking. The workshop was attended by law enforcement personnel, attorneys, government agencies including MOIA, NGOs, community groups, churches, and health care providers. More than fifty people took part. The topics covered included an overview of human trafficking, including trafficking in the Pacific region, NDAA human trafficking programs, dynamics of victimization, labour trafficking investigating basics, intimate partner violence and human trafficking, including power and control dynamics, building a case and trial strategies.

Future Implementation

99. Next steps for the RMI were discussed in the NDAA workshop, which included a legislative review and participation in regional human trafficking workshops.

100. Building on increased work on awareness raising in recent years, the RMI government is cooperating with IOM on the implementation of a US Office to Monitor and Combat Trafficking in Persons grant entitled "Combating Trafficking in Persons in Micronesia through Establishment of Protection Frameworks for Victims of Trafficking." The RMI government will be supporting IOM's work on this project through the Trafficking in Persons task force, which was approved by Cabinet in 2014. The task force's membership includes the AG's Office, MIPD, MOFA, WUTMI and IOM.

101. The National Task Force on Human Trafficking provides a forum for the discussion of and consultation on issues pertaining to Human Trafficking and the effects it has on the population of the RMI and its international partners. The advisory body makes recommendations to the Government, as required, on the issue of human trafficking. The RMI and IOM along with the task force collaborate in a joint effort to combat the growing problem of human trafficking. In February 2016,

IOM contracted an outside expert, who has done similar work in bigger countries, to engage with church leaders, community and youth to devise ways to get the message to the public. They plan to do radio broadcast, perform skits, compose music, write articles in the newspaper and do interviews on human trafficking. An awareness mural by the Uliga dock will be made for the fishermen to look at.

102. There are, however, a number of obstacles to the full implementation of Article 6 of CEDAW in the RMI as addressed above. Taboos within culture prevent open discussion of prostitution and trafficking and related issues. Nevertheless, the level of dialogue has increased dramatically in recent years, as shown by the activities identified above. The RMI plans to continue to actively address trafficking in persons through national, regional and international partnerships.

Article 7 — Political and public life

Legislative Framework

103. The *Elections and Referenda Act 1980*, provides the legislative framework for elections and voting. The law provides that all citizens of the RMI over eighteen (18) years of age who are not certified to be insane or imprisoned or on parole or probation for felony convictions have the right and duty to vote in elections for members of the Nitijela. All eligible voters have the right to vote in one electoral district where the voter either resides or has land rights. Eligible voters also have the right and duty to vote in local government elections for the ward in which they have registered. Article IV of the *Constitution* and the *Elections and Referenda Act 1980* provide that every eligible voter over the age of twenty-one is qualified to be a candidate for the Nitijela. And that any eligible voter in a given district may run for local government office within that district.

104. An issue was raised during the 2015 General Election, when a naturalized citizen was denied the right to run for national election for lack of land rights, based on the *Election and Referenda Act, (John Martin Niedenthal – v - Chief Electoral Officer*, High Court Civil Action 2014-263). The Court concluded that the Nitijela did not have the power to prescribe the eligibility qualification in the *Election and Referenda Act* based on land rights, as such 'blatantly disregard the supreme law of the land, and in doing so, infringes on the constitutional rights of the people' to choose whom they want to represent. The Plaintiff was, therefore, qualified to be a candidate for election as a member of the Nitijela.

Women in Decision-making and Leadership Positions

105. As a matrilineal society, land rights in the RMI are passed down through the mother onto her daughters. Women have been decision-makers and owners of land resources. Traditionally, men are given the leadership role but cannot make any final decisions without the consent of the woman. However in recent modern society most decision-making have been shifted to the men of the family. Women are often expected to be subservient to men in regards to land issues and family matters. Even if a woman holds a traditional leadership position, it is often the men of the clan or her brothers or uncles who will make decisions and may possibly overrule her.

106. Marshall Islands has one of the lowest rates of representation at the legislative level internationally, with currently 3 women elected into the 33-seat Nitijela. The 12-seat Council of Iroij (Chiefs), which serves a largely consultative function dealing with custom and traditional practices, currently, has 2 women members.

107. Other important decision-making structures, including in the religious, private and judicial spheres are male dominated. Customary norms, stereotypes of women's roles, and the lack of public awareness about election processes limit women's opportunities to be appointed to leadership positions at the national and local levels.

108. Barriers that prevent women from exercising their right to vote include lack of knowledge about their voting rights or the political system. Some women who do vote will follow their husband's choice or allow someone else to choose for them. There are high numbers of both eligible men and women who register to vote because of extensive outreach and registration efforts. There are no legal barriers that prevent women from running for local or national office. However, a negative perception about women's participation in politics continues to exist and there are social barriers in place, including historically low numbers of female candidates. The 2015 General Election records show that of the 822 candidates running for local government council seats, 165, or just 16 per cent were women. Only 56 women won seats, as opposed to 258 males. For the Nitijela, there were 91 candidates, 5 of them were women, or 95 per cent males and 5 per cent females.

109. There are growing number of women in the public service, however, men still dominate the most senior positions. Currently, out of a total of 10 permanent secretaries, 4 are women, who lead Chief Secretary's Office, PSS, R&D and the Commissioner of the Public School System is also a female. The Deputy Chief Secretary, Clerk of the Council of Iroij, Clerk of Courts, Clerk of the Nitijela, are all women.

110. In 2011, the government partnered with UNDP to conduct a Women's Mock Parliament. The Mock Parliament provided many women, including some who were standing for national and local office, the chance to gain experience as parliamentarians. Something that they were not able to receive elsewhere. In 2015, WUTMI also conducted a women's mock local government and training session.

111. The RMI has, however, made history by electing the first women President, Head of the Country in January 2016 and also by the increased number of women in the Parliament from 1 to 3, which is also historical since RMI has never had more than 1 woman in the Parliament since its independence in 1986, and through five electoral cycles.

Women in Legal Profession

112. There are 7 women in the legal profession. Besides the first and only female Associate Justice of the High Court that was in office for less than a year (from August 2014 to May 2015), there are currently no female judges in the Supreme Court and the High Court. No female judges in the District Courts and only 2 in the Community Courts out of a total of 30 Community Court judges. In the Traditional Rights Court, there is one female judge out of three, the first woman to be appointed as a full time TRC judge. The Judiciary is committed to increasing the numbers of female judges. The Chief Clerk of the Courts is a female.

113. In the Attorney General's office, there are two female attorneys out of a total of six attorneys. MLSC has one women attorney, out of two male attorneys and one woman trial assistant and two male attorneys at the Public Defender's Office with one woman.

Future Implementation

114. There is a need for the Government to conduct studies to collect data detailing the perceptions or specific obstacles that prevent women from entering politics. Public information campaign to change negative perceptions about women's participation in politics needs to be conducted, with the assistance of the NGOs. WUTMI has been active in leading efforts to encourage gender equality in leadership and decision-making. Over the last three election cycles there have been increasing numbers of women running for national and local office, though there is no data to explain this increase.

115. The tradition of women of chiefly rank with significant influence in decision-making processes needs to be recognized and observed more. The Council of Iroij used to be composed of almost equal numbers of men and women. The influential role that these traditional women leaders have through the Iroij is an avenue for progressing gender equality, especially in matters that relate to domestic violence and family issues. The Council of Iroij is also a forum where there is discussion on land use, natural resource management, conflict resolution and community cohesiveness, and thus has a direct impact on people's lives.

Article 8 — International Representation

116. The RMI Ambassador at the Permanent Mission to the United Nation is a woman. Currently, she is the only female ambassador. The Deputy Chief of Mission at the RMI Embassy to Japan is female as well as the Consul General at the RMI Consulate in Honolulu and the Consulate in Arkansas.

117. Generally, women are well represented as international delegations from the RMI, including in leadership positions. For example, in the most recent COP 21 on Climate Change in Paris there were a number of female participants, including Ms. Selina Leem, an 18 year old climate change champion, young poet, Ms. Kathy Kijiner, Ms. Milan Loeak, Pacific Climate Warrior, Ms. Doreen de Brum, MOFA and other female officials.

Article 9 — Nationality

118. The legal framework for citizenship is provided by the *Constitution*, and the *Citizenship Act 1984*. These laws and procedures are in place to protect an individual Marshallese name, nationality and family relations. The *Constitution* provides for equal protection and that a person is a citizen at birth (a) if either parent is a citizen or (b) if born in the Marshall Islands and at birth is not entitled to be or become a citizen of any other country. A person may become a citizen by registration if he/she applies to the High Court and the High Court is satisfied that he/she, as a child, was adopted by a citizen of the Marshall Islands and has land

rights or has been resident in the RMI for at least 5 years and is the parent of a citizen or that he/she is of Marshallese descent. The Cabinet also has certain powers to grant or revoke citizenship. There are increasing anecdotal evidence that Marshallese women are being exploited by foreigners seeking Marshallese citizenship. Once citizenship is granted, the child or children born from the marriage are taken away to the father's home country and divorce proceedings commenced by the father. The motive is to be eligible to obtain a RMI passport, which is visa-free entrance to the United States. There is obviously a need to do further studies, or there may be a need to undertake legal measures to prevent further abuse.

Article 10 — Education

Legislative Framework

119. The *Constitution* provides for the right to education in the Bill of Rights as well as the government obligation to take every step reasonable and necessary to provide these services. On 25 November 2014, the *Marshall Islands Public School System Act, 2013 (MIPSSA)*, came into effect, replacing the *Education Act 1992*. The *MIPSSA* creates an autonomous PSS and a governing National Board of Education.

120. The *MIPSSA* provides that a child over the age of 5 before the beginning of a school year is eligible to enrol in and attend any school in the RMI and that enrolment and attendance for these children is the responsibility of the parents or guardians. A child who has successfully completed elementary level education shall be eligible to enrol in secondary level education in any school. Until the 2013-2014 school year, a registration fee was charged for all levels of public education. Collection of that fee was suspended in 2013. The MIPSSA also provides for the monitoring of student assessment and progress, student health and safety, transportation to and from school as necessary, and for the establishment of non-public schools. Other relevant legislation are the *Scholarship Assistance Act 1979*, the *Teacher Certification Act 2007* and the *National Training Council Act 1991*.

121. The Child Protection Policy introduced in 2014 is in line with the guiding principle of promoting "a rights-based approach to child protection." The policy enforces the commitment to "safeguarding and protecting children, maintaining vigilance and acting in their best interests." The policy outlines the framework that is used to assess and manage the risk to children participating in all of its programs, including any donor-funded programs, and the measures and systems put in place to respond to concerns about their wellbeing. The policy includes guidelines for recruitment and induction of teachers and volunteer teachers and includes a code of conduct as well as procedures for reporting violations. The policy also details signs of abuse and neglect and changes in behaviour that can indicate abuse and neglect. Teachers are also required to sign a page detailing the code of conduct and their responsibilities towards enforcing the Child Protection Policy.

122. The RMI's Special Education Program operates under the U.S. Individuals with Disabilities Education Act (IDEA). This includes monitoring and reporting on

the performance of all students who have an Individualized Education Plan (IEP). Monitoring data collected by PSS from SY 2014-2015 shows that the RMI Special Education program had 733 students with IEPs, from K-12. There were 12 students graduated from 5 different high schools, 5 girls and 7 boys. Students are provided free appropriate public education in regular classes. Students aged 16 and older have Transition plans and received transition services to prepare them for post high school education and employment.

Enrolment and Attendance

123. The *MIPSSA* addresses compulsory enrolment and attendance for all children who attain age five before the beginning of a school year to enrol in any school in RMI. For secondary school, a child must have completed elementary level education to be eligible to enrol in secondary level education. Furthermore, a public high school entrance examination shall be administered to all eighth-grade students to determine their placement in public high school. Based on their scores, students are placed at either regular ninth grade level; at a remedial pre-nine grade level; at the Life Skills Academy; or are asked to repeat eighth grade. The Life Skills Academy is a secondary level school focusing more on vocational and life skills rather than academic courses of study and serves elementary school graduate who cannot enter pre-nine grade due to low scores on the high school entrance test.

124. Enrolment data from PSS 2014-2015 Annual Report shows nearly equal enrolment of males and females at both public and private elementary and secondary schools. In all elementary schools, 49.3 per cent of students were female. In all secondary schools, 51.1 per cent of students were female. Attendance is considerably more difficult to monitor. Attendance rates disaggregated by sex are not available, although overall attendance rates are 77 per cent for Majuro, 70 per cent for Ebeye and 71 per cent for Outer Islands.

Quality of Education

125. Education quality is documented, monitored and evaluated through assessment of student performance at the elementary, secondary and college levels. Data is also collected on student enrolment, dropout and graduation rates. PSS wide policies are applied uniformly at schools in the centres and on the outer islands. The Division of Schools at PSS implements and enforces policies through the deployment of district supervisors to their respective schools. These district supervisors make yearly visits to the schools. The RMI's Curriculum Instruction an Assessment Unit (CIA) oversees curriculum development and assessment work and ensure activities are updated periodically. It works collaboratively with the other divisions and programs within the PSS to provide teachers with quality support and resources to be effective, well-informed educators. During FY 2015, the CIA began developing curriculum frameworks for K-8, English Language Arts, Marshallese Language Arts, Math and Science including guidance for teachers on assessment strategies, classroom activities and resources.

126. Girls and boys follow the same curriculum. Due to lack of resources, there has not been any revision of textbooks to ensure that gender stereotyping is removed. Furthermore, outer island schools in particular will often have limited access to materials and will use what they have, regardless of whether the materials are out of

date or contain gender stereotyping. Although all primary schools are mandated to follow the government curriculum, not all schools have equal access to resources to be able to do this. Some schools are unable to implement the curriculum effectively due to inadequate instructional resources as well as inadequate skills on the part of the teachers.

127. The PSS maintains up to date statistics on teacher/pupil ratios for primary and secondary schools. The overall average student teacher ratio as shown in PSS 2014-2015 Annual Report, student teacher ratio is 14.1 for primary school and 19.1 for secondary school. Student-teacher ratio for primary urban schools is larger by an average of 5 to 10 students more than outer islands schools. Secondary schools are more crowded than primary schools. There are many classrooms, especially in urban areas that have significantly higher numbers of students for each teacher. The report shows a total of 1,112 employees of which 77 per cent are teaching staff, with 46 per cent of them females. The 23 per cent support staff, 38 per cent are females. The PSS Commissioner is a female.

128. As of 2014, all teachers employed by the PSS are required to hold an Associate's degree. The 2014-2015 Annual Report shows that 60.7 per cent of the teachers have attained their Associate of Arts (AA) or Associate of Science (AS) degrees or higher. This number has not been disaggregated to show the difference between outer island and urban teachers. The PSS continues to fund the schooling of teachers working towards their AA or AS degrees at the College of the Marshall Islands (CMI). The University of South Pacific, Majuro campus, also has Associates and Bachelor's Degrees program. In 2014, CMI and USP began offering Bachelor's Degree programs. A smaller number of teachers are also working towards their bachelor's or master's degrees at USP or off island. International volunteer programs help provide replacements for teachers, especially from outer islands, who must leave their posts to further their training.

129. Outer island schools face unique challenges with regards to maintaining quality of education. Although there are efforts to ensure proper distribution of materials, in reality many outer island schools do not have proper numbers of textbooks or adequate supplies. Another difficulty is ensuring that there are an adequate number of school days conducted. School is often cancelled or delayed for occurrences like community events, funerals, or even rain. Bad weather can be very disruptive not only because it interferes with students and teachers being able to reach school, but it can make conducting class nearly impossible. Most outer island schools do not have electricity and are relying on daylight. Rain and storms may make classrooms so dark that a student cannot see the blackboard or their study materials. Additionally, many schools do not have glass windows, so rain means that plywood windows must be closed, further limiting the amount of daylight within a classroom. Finally, most schools have tin roofs, and heavy rain is often so loud as to make it impossible to hear the teacher. The start of school is also often delayed because teachers come to Majuro for training during the summer and depend on unreliable transportation methods to return to their teaching posts. This also affects students who may come to Majuro during the summer for community or church gatherings or to visit family.

130. The Division of Policy and Planning within the PSS worked on a Family Life Education (FLE) Policy with technical assistance from UNFPA, that is delivered to

Junior High School (Grades 7 & 8) and High School Students. This FLE is aligned with the National School Curriculum. A consultant has conducted two trainings with teachers as well as PSS staff on the delivery of the FLE and to ensure that it is grade level appropriate. Emphasis is being placed on ownership of the FLE curriculum by the ministry, which will help ensure proper delivery.

Challenges and Constraints

131. Traditional attitudes and custom still exert pressure over educational choices. They influence the electives and vocational courses an individual may choose to pursue and they often provide a barrier to girls finishing their education when they are expected to provide childcare for their own children or for their brothers and sisters or nieces and nephews.

132. Teenage pregnancy rates remain the highest in the Pacific (MOH 2013 Report). In FY2013, 14 per cent of all babies were born to mothers under the age of 20. The RMI has the highest rate recorded adolescent fertility rate in the Pacific, with 85 births per year per 1000 women aged 15-19. (MOH 2013 Annual Report)

133. There are no national laws governing the treatment of girls who become pregnant while in school. In public school, treatment of girls who become pregnant is determined by PSS policy and they are neither forced nor encouraged to leave school. The RMI PSS Public High School Handbook for Rules and Regulations provides that 'if a student becomes pregnant, she will be allowed to remain in school as long as her pregnancy does not affect her grades or attendance'. Private schools do not fall under this policy.

134. Sexual health services for adults and young people are provided through the MOH's Family Planning Department, and the Outer Island Dispensary Service as well as through the NGO YTYIH. In the urban centres, contraceptives and family planning advice are readily available. Access to both contraceptives and family planning advice is much more limited on the outer islands because of both supply issues as well as cultural taboos. Many of the health assistants operating the health dispensaries on outer islands are men. This makes it less likely that women and girls will seek family planning advice from them or that they will be able to freely provide advice if the women do seek assistance.

135. The College of the Marshall Islands recently completed a study to identify the obstacles preventing students from completing their courses of study. One issue identified was lack of appropriate childcare, placing pressure on young women to drop out to care for their own children or siblings, nieces and nephews who have been placed in their care. In response to this, CMI is considering a day care centre.

Technical and Vocational Education and Training

136. Vocational training is a vital tool to address the pervasive issue of youth unemployment. The largest and most successful post-secondary vocational skills training programs have been developed by CMI and the USP, Majuro Campuses, in collaboration with the National Training Council (NTC), the Community Training Centre, and others. CMI focus has been on skills needed in the formal economy, both life and vocational. USP's focus has been on traditional and life skills needed in the informal economy.

137. NTC works at giving confidence and skills necessary to youth and Marshallese citizens to find work and be able to fill positions that often go to expatriates. The legal framework for NTC provides that both men and women, including youths, benefit from training. NTC provides internship trainings as well as off-island trainings. NTC also supports programs on outer islands, as seen in the chart below. The Table below shows sex disaggregated participation in NTC funded programs based on program type.

Program Name	*Total Trainees*	*Male*	*Female*	*% Female*
Sustainable Livelihoods and Basic Ed	130	23	107	82
Technical and Vocational Skill	161	154	7	4
Total Overall	**291**	**177**	**114**	**64**

(*Source*: 2015 NTC Report)

138. The following table shows sex disaggregated participation in NTC programs on outer islands.

NTC Trainees in Outer Island Programs 2015

Location	Male	Female	Total
Ailinglaplap		15	15
Ebon		10	10
Jaluit		25	25
Likiep		15	15
Mejit	10		10
Ebeye	6	15	21
Total	**16**	**80**	**96**

(*Source*: 2015 NTC Report)

139. Women and girls are equal participants in training programs organized by a number of NGOs, some of which are: Waan Aelõñ in Majõl (WAM) is a very successful grassroots non-profit, NGO working with young Marshallese. WAM provides a six-month program of vocational and life skills training to youth-at-risk using the medium of traditional outrigger canoes, boat building, carpentry and woodworking. Program capacity is twenty-five students. Other NGOs providing Basic Education and Life Skills and Sustainable Livelihoods are: YTYIH for Majuro & Ebeye; WUTMI; Juren Ae for Majuro, and Rukjenleen (WUTMI Chapter) for Ebeye. Furthermore, Australian-Pacific Technical College, (APTC) provides training for Marshallese in the following areas: tourism & hospitality, automotive, manufacturing, construction, electrical trades, health, and community services.

Adult and Tertiary Education

140. Adult education consists of courses offered at CMI and USP. USP offers a number of community education courses as well as diploma and certificate courses. USP also provides a gateway to the Australia Pacific Technical College that allows workers with some experience in a field to gain certification at campuses located around the Pacific. CMI has a General Education Development (GED) program that helps students prepare for the US GED test within a structured classroom environment. The following tables show enrolment in the GED program for Spring and Fall of 2015:

Spring 2015 GED Enrolment (Majuro and Ebeye)

Level	Male	Female	Total
Level 1	46	7	53
Level 2	27	18	45
Level 3	36	19	55
Level 4	63	26	89
Level 5	41	22	63
Total	**213**	**92**	**305**

Fall 2015 GED Enrolment (Majuro and Ebeye)

Level	Male	Female	Total
Level 1	46	15	61
Level 2	29	18	47
Level 3	45	32	77
Level 4	55	37	92
Level 5	40	22	62
Total	**215**	**124**	**339**

(*Source*: CMI 2015 Report)

141. The Marshall Islands Scholarship Grant and Loan Board is created by the *Scholarship Assistance Act 1979* and is responsible for administering the RMI scholarship. The RMI scholarship provides funding to qualifying Marshallese students to work towards their Bachelor's Degree or advanced degree. Both Marshallese citizens living in the RMI and abroad are eligible for this scholarship. The scholarship is an important pathway for high achieving students to continue their education. It is also a way for young mothers to continue their schooling as the scholarship provides living expenses, allowing parents to provide for their families and attend school full time. The Marshall Islands Scholarship, Grant and Loan Board also provides information on other scholarship opportunities, including those offered to Marshallese citizens by other governments. The following tables show the number of recipients of the RMI Scholarship as well as the graduates for the last three years.

Number of RMI Scholarship Recipients

Fiscal Year	Male	Female	Total
2012	87	109	196
2013	79	101	180
2014	74	108	235
2015			168

Number of RMI Scholarship Graduates

Fiscal Year	Male	Female	Total
2012	23	23	46
2013	20	21	41
2014	12	21	33
2015	15	22	37

(*Source*: RMI Scholarship & Grant Board Report 2016)

Future Implementation

142. In 2014, with support from UNFPA, the RMI developed a Prevention of Adolescent Pregnancy Strategy. This strategy is based on the identification of adolescent pregnancy as a major social issue, with a recorded adolescent fertility rate of 85 births per year per 1,000 women aged 15-19. The specific actions within the strategy were based on qualitative and quantitative data collected. The five strategic areas are: commitment, prioritization and policies, youth-friendly services and environment, early education and intervention, and support. In 2016, the YTYIH has been granted financial support to implement the Teen Pregnancy Prevention Project commencing in 2016 for the next 5 years.

143. In light of RMI's commitments under the ICPD and the MDGs, the RMI is active in improving reproductive health services, including making pregnancy safe and offering adequate family planning services. The Reproductive Health Unit within MOH developed the Reproductive Health Policy through a consultative process with technical assistance from the UNFPA Pacific Sub Regional Office (PSRO). The policy envisions quality service of Sexual Reproductive Health and Rights for all the people of the RMI. The thematic areas of the policy are maternal and neonatal health, provision of family planning, adolescent sexual and reproductive health, the control of STIs/HIV and integration with other SRH programs, other gynaecological morbidities, cervical and breast cancer, gender and reproductive health, reproductive health commodity security, and male involvement in reproductive health.

Article 11 — Employment

144. The legislative framework for employment and related rights consists of the *Minimum Wage Act 1986, The Labour (Minimum Conditions) Inquiry Act 1983,* and

the *Seamen's Protection Act, 1970*. The *Minimum Wage Act* was enacted in 1986 and set the minimum wage at $2.00 per hour.

145. *The Labour (Minimum Conditions) Inquiry Act 1983* established a Board of Inquiry into minimum conditions of employment and related matters. The terms of reference of the Board are determined by Cabinet but should include examining the cost of living, recommending range of minimum wages, making recommendations concerning working hours and overtime, making recommendations regarding dangerous work and appropriate penalties, making recommendations concerning minimum wages for employment, recommending ways in which minimum conditions may be introduced and revised as necessary. The Board has been inactive since the 1980s and the minimum wage has remained at 2.00 USD since 1986. There is however, a Bill that was introduced in the Nitijela in March 2016, to amend the minimum wage from $2.00 per hour to $3.00 per hour.

146. *The Seamen's Protection Act 1970*, provides protection for the rights of seamen, which would include women/young women. This established 16 as a minimum age for employment on Marshall Islands vessels. An exception to this provision is if the child under 16 is working on a vessel on which only members of the same family are employed, school-ships, or training ships. The Act also provides for other minimum standards regarding wages and conditions of work.

147. The number of females employed by the public service commission has increased over the last three calendar years. In 2012, 906 of 2,176 (41.6 per cent) public service employees were female. In 2013, this increased to 944 of 2189 (43.1 per cent) and the percentage increased again slightly in 2014 to 940 of 2174 (43.2 per cent). (2014 State of the Service Report)

Future Implementation

148. The Board of Inquiry needs to be active to look into recommending enactment of additional legislation or policies that would provide for the health and safety and concerns over workers' compensation of women or other workers in the workplace. These issues come under the terms of reference for the Board of Inquiry. A Worker's Compensation Bill was introduced in the Nitijela and assigned to a Special Committee. The worker's compensation draft legislation would have addressed some issues of health and safety in the workplace and may provide for reactivation of the Board of Inquiry and also address other labour concerns. The Nitijela Special Committee submitted its report and recommendations to the Nitijela in 2015. Unfortunately, the Bill and its recommendations dissolved when the Nitijela dissolved in September 2015. The Bill will be re-introduced in the Nitijela in the 2016 session. There is also an optional Group Life Insurance Program available to government workers that includes coverage for worker's compensation.

149. The Board needs to recommend the enactment of legislation and policies be put in place prohibiting sexual harassment or provide for reporting of cases. There is Disciplinary Provisions within the Public Service Commission Regulations of the RMI (2008) that "Any disgraceful or improper conduct in his official capacity, or any other improper conduct that affects adversely the performance of his duties or brings the Service into disrepute ... shall be reported by his controlling officer

through the head of his Ministry to the Commission." It is unclear how often that clause is applied or if it has ever been applied in cases of sexual harassment.

150. The Board needs to also look into childcare facilities provided for government employees, or to encourage private sector to establish private childcare facilities. Additionally, there should be plans or policies in place to support small businesses in ensuring that they are able to pay their staff maternity leave. Maternity leave for government employees is provided by the Public Service Commission Regulations but there is no law or other policy in place to ensure that maternity leave is provided for private sector employees.

151. The Board needs to review the pay scale set for the public sector by the Public Service Commission that is based on education, experience and job responsibilities. Laws and policies should also be set for the private sector, where assurance of equal pay for equal work is limited to the 2.00 USD minimum wage provided for by *Minimum Wage Act 1986*.

Article 12 — Access to healthcare

Legislative Framework

152. The *Public Health, Safety and Welfare Act*, the *Marshall Islands Health Fund Act of 2002*, the *Health Care Revenue Fund Act of 1986*, and the *School Immunization Act 1981*, provide the legislative framework for access to health care.

Health Services Available

153. With the exception of one private doctor, one private optometrist and one private dentist, who are all located on Majuro, all health services are provided through the MOH. This includes the 177 Program, which provides health services to people from the four nuclear affected atolls.

154. Pharmaceutical services are provided by the main pharmacy located within Majuro and Ebeye Hospitals as well as one privately owned pharmacy located on Majuro atoll. Additionally, all health centres have a stock of basic over the counter and prescription medications, including contraceptives.

155. Oral healthcare is provided mainly through the two main hospitals on Majuro and Ebeye. There is a high demand for services and the division is under-resourced. Staff from the dental division also conducts awareness at health outreach events and travel with MOH mobile teams to outer islands to provide dental health services. However, despite the outreach activities, oral health remains a serious issue. Preventative oral care is not widely practiced.

156. Prenatal care is provided through the prenatal clinics at the hospital for women living on Majuro and Ebeye. There are regular clinics where prenatal care services including pregnancy management, STI screening, pap smears, oral health education and care and immunizations are provided. Some pregnant women on the outer islands have the option to travel to Majuro and Ebeye for prenatal care and to give birth. Otherwise, outer island health centres provide pregnancy management, working in cooperation with staff from the Maternal and Child Health Department on Majuro. Mobile health teams also provide more extensive prenatal care and

screenings when they visit outer islands. Outer island health assistants receive training in prenatal health care from the Maternal and Child Health Department.

157. Family planning services fall under the Reproductive Health Clinic. The main Reproductive Health Clinic is provided under the Primary Care Division of MOH, located both in Majuro and Ebeye Hospitals. The services include maternal and child health care, family planning, pre and post-natal care, dental oral health care and children with special health care needs. Through the Reproductive health clinic, women can seek medical care from a gynaecologist on the urban centres of Majuro and Ebeye. However, lack of trained specialists remains a serious issue, there is frequently no trained obstetrician or gynaecologist available to provide these services. On the outer islands, there is no access to specialized care. Outer island residents need to come to Ebeye or Majuro to see a specialist, and unless they are urgently sick, they are responsible for their own travel costs. The Reproductive Health program runs additional clinics at YTYIH and Laura Clinic in Majuro. A variety of contraceptive methods are available, the most popular being the 3 months hormonal injection and oral contraceptives. Male and female condoms are also available free of charge in the Family Planning Clinics, the STD/HIV clinics, Health Centers, YTYIH, and hotels and bars.

158. There are small fees associated with health care. For example, on the urban centres, a regular doctor's visit at the hospital will cost $5.00, for a Marshallese citizen. Fees are higher for non-Marshallese citizens and certain procedures will cost more. Fees are significantly lower on the Outer Islands. Waiting times to see a specialist can range, and for highly specialized care, a patient may need to be referred off island or wait for visiting medical missions. Referrals for those who receive the Basic Health Plan are only given in life threatening cases. Those who are able to afford a monthly fee can join the Supplemental Health Plan, which offers easier access to off island referrals.

159. Due to financial and resources constraints, there are no ambulances available on outer islands, though some health assistants have scooters or other vehicles to be able to reach more remote areas of their islands. The health assistants and the MOH usually managed to find ways, within the means and resources available, to transport patients within atolls if a person needs medical assistance and is on an island without a dispensary or health assistant. All transport or travel is arranged on a case-by-case basis. This also applies for medical evacuations from outer islands to Majuro, where air transport may not be available because the planes are grounded or are unable to land at the atoll in question.

160. The MOH 2013 Annual Report reported maternal mortality rate peaked in 2009 with 4 maternal deaths. It started to decline during FY2010 and remained at a low rate in FY2013. Reproductive service has demonstrated it has the capability to reduce the mortality rate of the mothers. There were two maternal deaths in FY 2010, two maternal deaths in FY2011 zero maternal deaths in FY2012 and 8 maternal deaths in FY2013. The rate increased in FY 2013, which is still low, but needs to be reduced to zero as was in 2012.

161. Non-Communicable Diseases (NCDs) are one of the most serious threats to the health and future of the RMI population. Diabetes remains the leading cause of mortality and morbidity in RMI. The prevalence rate of diabetes has increased over a 5-year interval having to reach 339/10,000 in FY2013. The following table shows 5 years of the prevalence rate of diabetes on Majuro and Ebeye.

Prevalence of Diabetes

Description	*FY2009*	*FY2010*	*FY2011*	*FY2012*	*FY2013*
No. of Registered Diabetic Patients	1 969	2 008	1 980	1 794	1 804
No. of death related to diabetes	64	53	84	120	103
Population	54 065	54 439	53 158	53 158	53 158
Mortality Rate Per 10 000 Population	12	10	16	23	20
Prevalence of Diabetes Per 10 000 Population	352	359	357	315	320

(*Source: 2013 MOH Annual Report*)

162. A State of Emergency Declaration on NCDs was endorsed by the President in 2011 in collaboration with several relevant NGOs, local private organizations and churches. The MOH has invested a lot of resources and its operation funds to combat the NCD crisis in the Marshall Islands.

163. Diabetes Mellitus has been the centre of health intervention and public discussion by the officials of MOH and the Government for so many years. A few years ago, the MOH entered into management contract with the Canvasback Mission to create a mechanism to reduce and reverse the diabetes mellitus in the Marshall Islands by establishing such system as Diabetes Wellness Centre.

164. Apart from diabetes, the other two leading NCD conditions as reported in the 2013 MOH Report, are Cancer and Cardiovascular. In FY2011, the incidence rate of cancer 13/10,000, in FY12, the rate declined to 8/10,000. But then in FY2013, it increased to 10/10,000. The prevalence rate for FY2011, was 36/10,000; in FY12, it increased to 71/10,000; and in FY13, it escalated to 90/10,000. In FY2010, a total of 17 patients were referred out of the country to received tertiary care and in FY2012, a total of 12 were referred out to find tertiary care. In FY13, a total of 20 were referred out. As seen in the Table below 'Cancer as Primary or Secondary Cause of Death FY2013', fourteen (14) of the total of 43 cancer patients, or 33 per cent, died from one of the medical conditions presumed to have been caused by radiation as a result of the U.S. Nuclear Testing Program in the Marshall Islands from 1946 to 1958. There were 23 females and 20 males.

Incidence and Prevalence of Cancer

	FY2009	*FY2010*	*FY2011*	*FY2012*	*FY2013*
No. of New Cancer Patients	52	82	67	40	52
Incidence Rate Per 10 000 Population	10	15	13	8	10
No. of death related to cancer	36	26	27	33	43
Mortality Rate Per 10 000 Population	7	5	5	6	8
No. of Old and New Cancer Patients	192	238	341	376	476
Prevalence Rate Per 10 000	36	50	64	71	90

(*Source: 2013 MOH Annual Report*)

165. As can be seen in the Table above, cancer of all types are on the rise. It has gone up to 90/10,000 prevalence rate. It is one of the conditions and risk factors of NCD that the MOH in partnership with other NGOs have been and are still attempting to reduce.

Cancer as Primary or Secondary Cause of Death FY2013

Cancer Site	*Male*	*Female*	*RMI Total*
Cervical	0	11	11
Liver	6	1	7
Lung	5	1	6
Breast	0	3	3
Uterus	0	3	3
Ovary	0	3	3
Testis	2	0	2
Unknown	2	0	2
Leukaemia	1	0	1
Lymphoma	1	0	1
Prostate	1	0	1
Oropharyngeal	1	0	1
Nasopharyngeal	0	1	1
Urinary Bladder	1	0	1
Total	**20**	**23**	**43**

(*Source: 2013 MOH Annual Report*)

Cervical cancer in women is the most common cause of death. The RMI is addressing cervical cancer through its National Comprehensive Cancer Control Program. The cancer program is active on Ebeye and Majuro, as well as the outer islands through the health mobile team. The program supports a cancer registry as well as a cancer prevention program and cancer support group. While the program addresses all cancer, it is most focused on cervical cancer. The cancer program focuses on prevention of cervical cancer by raising awareness and encouraging women to get tested. The program also holds trainings, which are especially focused on increasing prevention on outer islands.

166. Another arm of the cancer prevention program is providing the Human Papillomavirus Vaccine (HPV) that can prevent most causes of cervical cancer. This vaccine is also being provided on the outer islands through the health mobile team. However, vaccination rates are fairly low because many parents are not consenting to their daughters receiving the vaccine. There is a renewed focus on raising awareness to increase the rates of vaccination.

167. RMI is considered to be a low prevalence setting for HIV. At the end of 2013, the cumulative incidence of HIV in the Republic of the Marshall Islands was 26 cases, since the first case was identified in 1984. Currently, there are 8 people living

with HIV, in RMI. Of these, seven are currently on Antiretroviral Therapy (ART) treatment; the eighth has decided to stop ART due to the side effects. All are living in Majuro. Three are male and five are female. The age range of those currently living with HIV is between 21-40 years, with the biggest cluster of four in the 26-30 year age range. All HIV patients are visited monthly by the HIV clinic for follow-ups.

HIV/AIDS Prevalence

Description	*FY2009*	*FY2010*	*FY2011*	*FY2012*	*FY2013*
HIV Positive	10	8	8	8	8
Prevalence Rate Per 10 000	2	2	2	2	2

(Source: 2013 MOH Annual Report)

168. Most common mode of transmission was due to heterosexual transmission. Mother-to-child transmission is the next most common mode of transmission. Ten people have died since being diagnosed HIV positive. Low levels of knowledge and unprotected sexual activity, particularly among young people, are the most significant risk factors according to the 2007 Demographic Health Survey and the 2009 Youth Risk Behaviour Survey. Alcohol use is frequently associated with unprotected sex. Girls and women have much less knowledge of HIV than boys and men; they are often poorly equipped to protect themselves from HIV transmission and lack the necessary life skills.

169. The National Aids Committee (NAC) identified that one of the key barriers to effectively addressing HIV in the Marshall Islands is the stigma and discrimination surrounding HIV. The development of vigorous and transparent partnerships across Government and civil society is intended to be the foundation for a strong response.

170. A review of HIV, Human Rights and the Law was conducted by the SPC RRRT in 2009, the review suggested that Government and the private sector should develop a code of practice on HIV in the workplace that protects people from stigma and encourages information, education, access to services and confidentiality.

171. There is policy within the MOH to respect the confidentiality of clients. However, there is not yet any law to protect people who are positive. There is no legal framework for ethical human research — which means that there are no laws to protect and ensure that ethical research occurs.

172. RMI continues to face challenges including the extremely dispersed population that involve expensive transport by air or boat. And, the lack of specialized services and human resources has led to a costly off-island referral system for tertiary care in Hawaii and the Philippines.

Future Implementation

173. In the last five years, the RMI has had maternal deaths that were preventable. Priority will be placed on improving the health care of pregnant women to avoid maternal death. Detection of high risk pregnancy will be increased.

174. NCD and its negative effects cannot duly be resolved by what the MOH can do alone. Such conditions are cross-cutting and every government sector, non-government sector and the general public must take part in reducing the NCD crisis. NCDS are more than a "lifestyle choice" diseases, after all, two or three generations ago, when there was much less access to imported junk foods, tobacco and alcohol, NCDs were uncommon among Marshallese people. NCDs are "environmental diseases", and can be decreased by policies that decrease access to junk foods, tobacco and alcohol in the environments where our youth develop lifestyle habits. Open dialogues and forums must be created as means of communication with the general public in order to educate the people. Stronger laws and policies directed at unhealthy foods, tobacco, alcohol and physical activity are urgently needed to complement the health promotion efforts to control NCDs.

175. The membership of the new NAC, drawn from Government, community NGOs and the private sector and learning institutions, is the first step in developing strong and effective collaborative partnerships in the fight against HIV, including Aids and other STDs. With the National Strategy, the NAC on STDs, HIV & TB and MOH are currently implementing the newly developed and endorsed National Strategic Plan 2013-2017. In Ebeye, the Mayor and traditional leaders endorsed the HIV and STI prevention efforts during World AIDS Day, and the initiation of the chlamydia presumptive treatment campaign.

Article 13 — Economic and Social life

176. The RMI does not provide social assistance in the form of family benefits. There is no overall welfare system based on need, disability or other qualification. Benefits to those who have paid into the social security system come under the *Social Security Act of 1990* and include old age insurance benefits, disability insurance benefits, surviving spouses insurance and parent's benefit and surviving child's insurance benefit.

177. There are no legislative barriers for women to access loans or other credit systems. However, most loans require payment to be made by allotment, meaning that women engaged in non-formal employment or with companies who do not allow allotments are unable to access loans or other credit.

178. There are limited economic empowerment programs for women. There are training programs largely focused on handicrafts and sewing, but there are limited opportunities available to put these skills to work after training or to create viable businesses. The Bank of the Marshall Islands, privately owned, offers microcredit loans, but many women have trouble accessing these because of high interest rates. Furthermore, if business grows slowly, the entrepreneur will have trouble making the repayments and may end up defaulting. There are no other microcredit programs aimed at encouraging women entrepreneurs.

179. Climate change poses a considerable threat to both economic and social life. If sea levels rise as expected, life in the RMI will become significantly more difficult and dangerous and daily life is being affected currently. For example, in March 2014, inundation occurred as a result of extremely high tides and a southern swell. Over one thousand residents of Majuro atoll were forced from their homes, and

residents on outer islands including Mili and Arno suffered considerable property and crop damage. Recently, the President of the Marshall Islands, Her Excellency President Hilda C. Heine declared a state of emergency in February 2016 after the Marshall Islands received just a quarter of its usual rainfall during the November to February period. In March the President declared a state of disaster, which was extended in April 2016, causing the President to write to United States President Barak Obama for assistance. President Obama declared severe drought in the Marshall Islands opening the way for U.S. funding such as FEMA to provide emergency relief to the islands.

180. Women often bear the brunt of climate change effects. Events like the inundation and the drought necessitate the relocation of families, and in some cases, communities. As the traditional homemakers, women are put under pressure to ensure that their families are able to meet their needs. Additionally, relocation poses serious safety and sanitation threats to women and children.

181. The RMI is a party to the World Heritage Convention and Bikini Atoll is a world heritage site. This convention obligates parties to protect listed sites, and like all atolls within the Marshall Islands, Bikini is at severe risk from Climate Change.

Future Implementation

182. Economic empowerment for women is crucial for the survival of families in the RMI. Legislative mechanisms need to be established to protect the employment and labour rights of workers. Majority of women are involved in income-generating works in the cultural industry or in food production and processing. Families face scarce job opportunities in the outer island, therefore, income earned by women is necessary for the survival of families.

183. Creating more business opportunities for women trained in trades such as handicrafts and sewing to put their skills to work after training or to create viable businesses. More small business loans, or microcredit programs need to be created to encourage women entrepreneurs.

184. Develop capacity of the government in gender mainstreaming by creating and delivering public services that benefit women and men equitably by paying particular attention to women who are disadvantaged, such as women living in the outer islands, women living with disabilities, young women, and unemployed women who are head of household. Support the role of both women and men in food security and water security. Recognize, promote and support the contribution of women and men in agriculture and fisheries — both paid and unpaid activities — and their respective roles in food security and rural development. Adopt measures to ensure women's rights to equal opportunity in all fields of employment. Involve both women and men in building resilient communities to face climate change impacts and disaster risks.

Article 14 — Rights of rural women

Outer Island Background

185. In RMI, "rural women" means women in the outer islands beyond Majuro and Ebeye. All women, men, girls and boys in the Marshall Islands have equal access to health, education, and other services. However, in practice, the widely dispersed populations, remoteness and limited communications and transportations of the outer islands means real constraints on the equal access and efficiency of service delivery. None of the outer islands have doctors and all are managed by health assistants.

186. The total population of the RMI is 53,158. A total of 39,205 people live in the urban areas (Majuro and Kwajalein) and 13,853 live in the rural areas. 19,927 males live in the urban areas and 7,316 live in the rural areas. 19,278 females live in the urban areas and 6,637 live in the rural areas.

187. Public services and infrastructure are less developed in the outer islands making communities there relatively disadvantaged. The government does not have a development program directly targeted at rural women. However, there are a number of development initiatives aimed at outer island communities in general as well as some non-government development programs that are targeted at outer island women.

Government Policies and Initiatives

188. The NSP provides the medium term framework for development in the Marshall Islands. This includes addressing infrastructure, transportation and logistical issues that affect development on the outer islands and the effect on women.

189. Wa Kuk Wa Jimor is a collaborative government initiative with support from UNFPA to provide important capacity building opportunities to outer islands. The project is led by MOIA in cooperation with a number of partner agencies and NGOs. By implementing the Integrated Household Resource Management (IHRM) framework, WKWJ provides a valuable structure within which to address outer island development initiatives as well as gain an in depth understanding of outer island needs and concerns. The IHRM focuses on environment, health, food security and water. This provides a unique opportunity to get an accurate picture of the needs of outer island women, who are often managing their households.

190. In the outer islands, the sense of community is very strong and people cooperate and look out for each other. This sense of community often substitutes for formal social support structures that are not available on the outer islands.

Health

191. There are 56 health centres on the outer islands. Women have access to health care thru the health assistants in the health centres. Women from the four atolls affected by the U.S. Nuclear Testing Program can also seek health care thru the 177 Health Care Program Clinics that provides primary health care services. A primary health care physician with the health assistant manages the 177 Clinics. The

Department of Energy (DOE) Clinic also provides medical services to the nuclear patients that were exposed to the U.S. Nuclear Testing program conducted in the RMI.

192. The outer island health dispensaries are stocked to meet basic needs but it is often a challenge for a woman to access their particular health care needs, including comprehensive and confidential health services. It is against the custom for a woman to approach a male, particularly one she is related to, and discuss sexual and reproductive topics. The only time women may be able to access information and services is when the health mobile team visits once or twice a year. Preventative health and education programs on the outer islands are conducted mostly through the Health mobile teams. Representatives from the different departments, including public health, will go along with the mobile team, and education and prevention programs will be presented on these visits.

193. Mental health services on the outer islands are very limited. When a mental health issue is identified with a patient, the health assistant will contact the Human Services department in Majuro. The Human Services department will then work with the patient and the health assistant and determine next steps, including coming into Majuro for follow up treatment if necessary.

Sanitation

194. Water tanks are provided by development partners or purchased privately. Upkeep is the responsibility of an individual homeowner, but programs addressing maintenance and cleaning are run by CMI Land Grant and the EPA. Generally, communal water storage facilities for an island are limited. There is an increased emphasis on communal water storage capabilities and RO units.

195. The Census conducted in 2011 provides additional information on sanitation. There are a total of 7,738 households in the Marshall Islands. Overall, 2,923 households have a flush toilet connected to a central sewage system; 2,806 have a flush toilet connected to a personal septic tank; 796 households have a water sealed toilet without a flush; 479 have a pit latrine; 160 households use the sea or lagoon; and 574 households use another method. Out of the 5,729 households who use flush toilets connected to a central sewage system or to a personal septic tank, 842 are located on the outer islands.

Cooperatives

196. There are limited cooperatives on the outer islands. More outer islands are seeking funding to create community gardens but many are still in the early stages. A recent project through the Ministry of Resources and Development (R&D) supported by Japan's Fund for Poverty Reduction and the Asian Development Bank addressed coconut replanting. The project was piloted on five remote atolls to address the health of coconut plantations by removing senile trees and replanting. The project aims to improve food security and create jobs. Target atolls are able to employ local residents, including women, within the nurseries and planting projects.

Land and Agriculture

197. Both women and men in the outer islands are predominantly involved in producing crafts, coconut oil and copra cake. These are the primary export products, besides fish, sea food and coral. Key Land Characteristics Value: Agricultural land (sq. km) in Marshall Islands 130.0; Arable land (hectares) 2000.0; Arable land (% of land area) 11.1; Permanent cropland (% of land area) 44.4 and Land area (sq. km) 180.0 (70 sq. miles). (Source: World Bank 2012)

198. There is no system in place to ensure access to agricultural credit or small business loans to outer island women except thru the Micro Credit loan scheme with the Bank of Marshall Islands, or other loans with Bank of Guam or the Marshall Islands Development Bank. Generally, outer island communities are subsistence based, with families making copra for cash. The government ensures fair distribution of resources like seeds and fertilizer to women in the outer island through the Ministry of R&D.

Availability and Adequacy of Resources and Services

199. The occupants build their own housing on outer island. The most common materials are plywood, concrete and some traditional thatch with some homes built from cinderblocks. Generally homes are few rooms and used mostly for sleeping and storage of belongings, while much living will take place outside or in the cookhouse.

200. There are running water and sewage system in most of the outer islands, however, most families will build pit toilets and the rest will use the ocean side reef. Water and food security concerns during recent droughts have drawn more attention to safe sanitation processes.

201. All drinking water on outer islands is provided by water catchments attached to individual homes. Many of these catchments were provided by development partners or government, though individual families are responsible for their maintenance. Certain regions are particularly vulnerable to drought, and individual water catchments have proven to not provide enough water for households during this time.

202. Only a few outer islands have power plants. However, there is an extensive solar project run by the Ministry of R&D that has greatly increased the number of homes with solar power.

203. Transportation from urban centres to the outer islands is fairly affordable but not easily accessible. Air transport is only available through Air Marshall Islands, a state owned enterprise. Mechanical and other logistical difficulties make air travel an unreliable mode of reaching the outer islands. Travel by ship is also fairly unreliable with inconsistent scheduling and trips frequently postponed. Transportation within atolls is affordable if undertaken by walking or riding on traditional canoes, but can be prohibitively expensive if undertaken on motor vehicles or motor boats, as fuel is available at very high cost.

204. Generally, communication on the outer islands is limited to shortwave and CB radio. Most dispensaries and schools will have a shortwave radio they can use to communicate with their home base in Majuro. Many islands will also have an NTA

shortwave radio with which they can place calls to cell phones or landlines in the RMI or abroad. In recent years, several outer islands have also received DAMA phone systems. DAMA systems are currently available at 20 sites within 14 atolls, with six additional pending sites. DAMA sites allow outer islanders to make phone calls and be reached by phone.

Future Implementation

205. The government has addressed access to some of the resources and services listed above in the NSP. Relevant objectives of the NSP include provision of improved access to water transport, provision of improved access to air transport, provision of clean, reliable, affordable, accessible, environmentally appropriate and sustainable energy services, ensuring access to safe water, continuing establishment of community based fisheries and resource management in the Reimaanlok project, establishing a coordinated system of international emergency response and humanitarian aid, implementing RMI Food Security Policy, and continuing coconut replanting and other agriculture projects.

206. The 2013 MOH Annual Report alluded to the dire need to upgrade the skills and services at the MOH in order to provide an exceptional quality care. The ministry must exhaust all efforts to train and hire more doctors, quality nurses, nurse practitioners as well as upgrading the level of performance of the health assistants in the outer islands as well as recruiting more women health assistants. The level of collaboration with recognized NGOs, civil society and faith-based organizations must increase to provide awareness, counselling and activities pertaining to health education and simple family hygiene.

Nuclear Testing Effects

207. For Marshallese, land is a part of one's person and one's entire identity. It is an integral part of a person's sense of who they are in the world and how their life makes sense as part of a certain culture. One's sense of self, both personal and cultural, is deeply embedded in a particular parcel of land on a particular atoll. When the people were moved from their homelands, to make way for the U.S. Nuclear Testing Program, the sense of communal origin, of land as the visible representation of centuries of human labour, was lost.

208. The Special Rapporteur's report to the U.N. Human Rights Council in 2012, about his trip to the Marshall Islands and the United States on the implications for human rights of environmentally sound management and disposal of hazardous wastes from the U.S. Nuclear Testing Program conducted in the Marshall Islands from 1946 to 1954, found that: "The nuclear testing resulted in both immediate and continuing effects on the human rights of the Marshallese. Radiation from the testing resulted in fatalities and in acute and long-term health complications. The effects of radiation have been exacerbated by near-irreversible environmental contamination, leading to the loss of livelihoods and lands. Moreover, many people continue to experience indefinite displacement." And that the 'full effects of radiation on the right to health of Marshallese women may have been, and continues to be, underestimated" and that "Several years after exposure, a high incidence of thyroid cancer was reported and that "Displacement due to the nuclear testing, especially of inhabitants from Bikini, Enewetak, Rongelap and Utrok Atolls, has

created nomads who are disconnected from their lands and their cultural and indigenous way of life ...".

209. One of the issues identified in the report was the limited access to information relating to the Testing Program. Many of the historical documents provided to the RMI were incomplete and in "Deleted Version Only" form and labelled as Extracted, Redacted or Sanitized with information of unknown nature and volume removed. Following the report, the RMI has been trying to gain access to the information but to no avail. The repeated failure or refusal of the U.S. to provide full access to these records can only be taken as a blatant indignity toward and lack of respect for the Marshallese people and represents an ongoing violation of basic human rights.

210. While outer island women and women throughout the RMI face additional challenges, women from the four nuclear affected atolls bore the effects of nuclear testing and are faced with challenges that are unique to those directly affected by the legacy of nuclear testing. Women's identities were further threatened by the health effects of the nuclear testing program. In particular, reproductive health effects were extreme and severely affected the ability of women to bear healthy children to term. Women suffered high rates of miscarriages and gave birth to babies with severe birth defects.

211. The Special Rapporteur heard compelling testimony by women on their experience of returning from Rongelap Atoll, including on the alarmingly high rates of stillbirths, miscarriages, congenital birth defects and reproductive problems (such as changes in menstrual cycles and the subsequent inability to conceive, even in those who previously had no such difficulties). Some gave birth to babies that ultimately died from foetal disorders, and they still endured the shame and trauma they experienced as a result. The extent to which radionuclides were actually present in the breast milk of women exposed to the testing is unclear, making it also difficult to assess the risks to individuals who were breastfed by those women. The women also expressed their fears of reproduction and motherhood as a result of their exposure to radiation. Several years after exposure, a high incidence of thyroid cancer was reported, as well as an unusually high prevalence of stunted growth among Marshallese children. The incidence of such cases was also supported by the number of claims before the Nuclear Claims Tribunal. Similar effects have been recorded in children in other irradiated environments, with a greater incidence of thyroid cancer due to the intake of iodine-131, particularly through drinking milk contaminated with iodine, an element that accumulates in the thyroid, thereby inhibiting growth and the child's cognitive abilities, which could lead to mental disability. Moreover, a number of women from other atolls and islands in the Marshall Islands have been diagnosed with similar conditions.

Article 15 — Equality before the law and civil matters

212. Pursuant to Article II, Section 12, and Article I, Section 4(a) of the *Constitution*, respectively, everyone is equal before the law and in civil matters, including right to sue, enter into contract and own property in their own name.

213. Under the *Evidence Act of 1989*, female witness testimony carries the same weight as a male's. Women do have the same right to legal representation as men, but accessibility is a serious issue, especially on the outer islands. On Majuro or Ebeye, a woman can seek legal assistance on a variety of matters with Micronesian Legal Services. Access to legal services and representation on the outer islands is considerably more limited. While there are community courts on the outer islands, they are largely inactive. Furthermore, there are no lawyers or other advocates on the outer islands. In practice, all legal action takes place on Majuro, or Ebeye, which requires outer island women to come into the urban centres. This can create a financial and family care burden. Under the *Probate Code*, women do have and equal right to be executors or administrators of estates.

214. Role of culture and tradition in court decisions especially in domestic violence cases can be summarized in the court's sentencing remarks in the *RMI v. Makroro* case which reflected the condemnation of the act by the community, specifically noting: "The law does not condone domestic violence. Being drunk and hearing offensive words from one's spouse is no justification, excuse or mitigation for defendant's actions in this case."

215. Women and men are equal under the law. Women can sue and be sued in their own name. Women lawyers are entitled to represent clients before courts. The Evidence Act 1968 has been amended to allow victims of rape to testify in a court of law without the requirement for corroboration. But, there are some factors that may prevent them fully utilising the court system. These include: the cost of legal services; difficulties in obtaining information about when, whether and how to access justice; difficulties obtaining time off work to pursue a case; or being in the Outer Islands. There have been problems for women in domestic violence cases. Women are frequently afraid of being subjected to further violence if they pursue their cases. Sometimes, the police do not inform women when their case will be decided in court.

216. WUTMI's *Weto n Mour* program in partnership with *Pacific Women Shaping Pacific Development* (*Pacific Women*), developed the first ever national support service that addresses violence against women and girls and its victims, to access support and protections.

217. There is no specific strategy in place to provide specific services to women with disabilities. However, in September 2014, the Disability Policy was approved by Cabinet and provides for increased access to all services and special attention paid to the needs of women with disabilities. Furthermore, the *Rights of Persons with Disability Act* was passed by the Nitijela in September 2015.

Future Implementation

218. While the equal legal status of women is clear, more work needs to be done to ensure that women are fully aware of their equal status in legal matters and that this is realized for them in practice. Promotion of the Convention and on-going legal literacy programmes will be an important aspect of future work. While some lawyers provide pro bono (free) legal advice along with MLSC, legal aid and court assistance to victims of domestic violence with no financial means is an area requiring attention.

Article 16 — Equality in marriage and family relations

Legal Context

219. The legislative framework for family relations is provided by the *Domestic Relations Act*, the *Births, Deaths and Marriage Registration Act 1988*, the *Adoptions Act*, the *Domestic Violence Prevention and Protection Act, 2011*. The *Births, Deaths and Marriages Registration Act 1988* states that the male at the time of contracting the marriage must be not less than eighteen (18) years of age and the female be not less than sixteen (16) years of age. The 2011 census did not disaggregate the marriage data by age for ages 15-59. In February 2016, MOIA submitted to the Cabinet, an amendment Bill to raise the marriageable age of girls from 16 to 18 years old. Previous RMI national report erroneously stated the law had already been amended. The RMI apologizes for the misrepresentation.

220. Until 2005, there were no specific civil or criminal laws dealing with domestic violence. The criminal code provided for sanctions against assault, aggravated assault, assault with a dangerous weapon and the like, and defined rape as "sexual intercourse with a female, not his wife, by force and against her will." While incest was prohibited, there was no statutory rape provision for females under the age of consent. Over time, the statutory framework evolved to address domestic and sexual violence more specifically.

221. In 2005, a number of changes to the law were made in this regard. The criminal code was amended to update sexual assault laws. Among the changes were the expansion of the definition of rape to include a broadened definition of sexual penetration and the removal of the exception to rape for forced sex with a marital partner. The new law provided for different degrees of sexual assault. Among other changes, it recognized non-consensual sexual contact without penetration as sexual assault. It criminalized sexual contact with a female under the age of 16 without regard to consent. The new law also provided a victim's testimony was not required to be corroborated and the victim did not need to resist the actor for an offense to occur.

222. Also in 2005, the Rules of Criminal Procedure were amended to be more protective of child witnesses under the age of 16 by providing for alternative methods of testimony which would reduce the trauma to the child of testifying, such as use of video-taped testimony, screening the child from the defendant to avoid direct confrontation, or the use of closed circuit television in the court room. Additionally, the Rules of Evidence were amended to be more protective of victims by limiting admissibility of evidence of victim's sexual history.

223. In 2011, the Criminal Code underwent a major transformation based upon the Model Penal Code, although the sexual assault provisions were by and large retained. In relation to gender based violence, the new Criminal Code included new provisions crimin izing harassment and stalking. These amendments have significantly improved the RMI law. However, there is no provision for non-violence orders where couples continue to live together. Many more women, anticipating their partners are likely to assault them, but not wanting to see their partners in Court or in prison, may be less reluctant to seek the assistance of the

police if they know that their partners will be held in custody for only a limited period and then released without being charged.

224. As noted earlier in this report, domestic violence is a problem in the Marshall Islands. In addition to issues of legal coverage, there are issues of consistency of law enforcement.

Family Relationships

225. The 2011 Census shows that 55.4 per cent of the household population 12 years and older was married, with 29.5 per cent of the household population 12 years and older was legally married and 25.8 per cent were living in a common-law union. This is not disaggregated to show the difference in rates between the outer islands and the urban centres. Generally, women are free to choose their own spouse and forced marriage no longer exists.

226. According to Section 108 of the *Domestic Relations Act*, an authorized annulment or divorce may be granted by "any Community Court or District Court within whose jurisdiction either of the parties has resided for three (3) months immediately prior to the filing of the complaint." A marriage may be dissolved by divorce due to irreconcilable differences or other causes provided for under Section 115. According to the 2011 Census, only 1.8 per cent of the household population 12 years and older was divorced. However, the census does not address the fact that divorce is a concept that applies to legal marriages and not the customary marriages that make up nearly half of all marriages. Therefore it is very difficult to determine actual rates of divorce and separation.

227. The RMI Judiciary organized and facilitated professional development opportunities for both judges and court staff. All permanent justices and judges of the Supreme Court, the High Court, the Traditional Rights Court, and the District Court attended such workshops and conferences. For instance, in mid-March 2014, High Court Chief Justice Carl Ingram attended the 21th Pacific Judicial Conference, held in Auckland, New Zealand. The 2014 PJC included sessions on: youth justice and domestic violence; judging in times of constitutional crisis; written constitutions, human rights, and customary law.

228. Regional development partners also provide training in human rights periodically for the law society and judicial personnel. Trainers are brought in from off island. Staff may also attend trainings off island.

Domestic Violence & The Law

229. The Family Health and Safety Study (FHSS) sought information on the prevalence, frequency and types of violence against women. This includes physical, sexual, emotional, social and economic abuse against women by their partners, physical and sexual violence against women by non-partners, and sexual abuse in childhood. The FHSS also examined health and other outcomes associated with violence against women, risk and protective factors, coping strategies and services utilized, and beliefs and attitudes about domestic violence.

230. According to the study, 48 per cent of ever-partnered women reported having experienced physical violence in their lifetime and 16 per cent had experienced

physical violence in the 12 months preceding the study. It showed that 38 per cent of respondents between the ages of 15 and 24 had experienced lifetime physical violence by a partner, while this increases to 57 per cent for women aged 45-49. Also, 25 per cent of girls between the ages of 15 and 24 had experienced physical violence by a partner in the last 12 months, while this number decreased to 12 per cent for women between the ages of 45 and 49. Lifetime prevalence of physical violence for women on outer islands was higher than for urban centres (Majuro and Ebeye) but prevalence of physical violence within 12 months was higher in the urban areas. The majority of women who experienced physical violence experienced it multiple times. Over 90 per cent of those who experienced physical violence did not report their experiences.

231. In addition to prevalence rates, the FHSS report provides valuable information on women's beliefs and attitudes regarding gender roles and violence against women. The report showed, 48 per cent of respondents believe that she must obey her husband, and almost 40 per cent of women believe that they are obliged to have sex with their husbands. In addition, 75 per cent of respondents agreed that a man could beat his wife if she was unfaithful, while 65 per cent agreed that a man could beat his wife if she didn't complete the housework, and 38 per cent agreed that a man could beat his wife if she refused sex.

232. Major conclusions of the FHSS include that the majority of women in the RMI have experienced physical and/or sexual violence by a partner or non-partner; there is significant overlap in types of violence experienced; education does not relieve a woman's experience with violence; many women feel that violence is justified in certain circumstances; the majority of women do not report their experiences; very few respondents use condoms, creating high risk for STIs and unplanned pregnancies; support services are nearly non-existent on outer islands; non-partner violence is most often committed by family members; and while there was some variance in prevalence rates among subcategories, no subcategory was spared from the experience of violence.

233. Gender-based violence is a challenge that is complicated by social practices, cultural beliefs, and a lack of institutional support and agencies to provide relief or shelter. Moreover, while RMI has made progress to eliminate gender violence by, amongst others, enacting the *DVPPA* and the establishment of a Task Force, penalties affecting violence against women in the *DVPPA* overlap with the provisions in the *Criminal Code* for similar offenses. For example, Section 904 of the *DVPPA* established the criminal offense of domestic violence and includes such things as: (a) assault of a family member; (b) psychologically abuse or intimidation of a family member; (c) sexual assault of a family member; (d) economic abuse of a family member; (e) restraint of the freedom of movement of a family member; (f) stalking a family member; (g) unlawfully behaving in an indecent manner to a family member; and (h) unlawfully damaging or causing damage to a family member's property. In the *Criminal Code*, sexual assault is defined to be the same as in the *DVPPA*. Psychological abuse is defined to include "harassment". The *Criminal Code*, also criminalizes sexual assault, harassment and stalking. The *Criminal Code* addressed sexual assault as first, second, third or fourth degree sexual assault. Each degree of sexual assault carries a different punishment, ranging from 25 years imprisonment and up to a $20,000 fine for first degree sexual assault

to 1 year imprisonment and a maximum fine of $1,000 for fourth degree. Sexual assault under the *DVPPA*, however, is punishable by 6 months imprisonment and up to a $1,000 fine for the first offense and 2 years and up to a $2,000 fine for subsequent offenses. The same penalties are provided for harassment and stalking under that Act. Under the *Criminal Code*, however, harassment is punishable as a petty misdemeanour (6 months imprisonment and up to $400 in fine), stalking is punishable as misdemeanour, which provides for 1 year in jail and a $1,000 maximum fine. Under the *DVPPA*, sexual offenses require the additional element of being against a family member. There is obviously overlapping authority in the two statutes. The law does not describe how these offenses are to be addressed in light of the overlapping authority. Currently, if a defendant is charged and found guilty of first degree sexual assault, the penalty will be reduced if charged under the *DVPPA* because it is against a family member.

Future Implementation

234. The *DVPPA* needs to be reviewed and make adjustments where necessary. Peoples' attitude also needs to be changed about appropriate social, cultural and economic roles for women and men, and the tendency to stereotype gender roles, including the belief that the place of a woman is in the home. The Government, along with civil society organizations will bolster their awareness raising campaigns and tailor such campaigns to fit Marshallese way of thinking. Furthermore, in February 2016, the Ministry of Internal Affairs (MOIA) submitted to the Cabinet a Bill seeking to amend the provision to be consistent with other provisions within the MIRC and the *Child Rights Protection Act, 2015*, to define a 'child' as under the age of 18. The amending Bill has been submitted to the Cabinet for approval and submission to the Nitijela.

Conclusion

235. Marshall Islands has a moderate legal and policy framework to support the mainstreaming of gender and women's human rights across the whole of the nation. Key human rights treaties are in place, and other than the Constitutional provisions, there are no specific anti-discrimination legislation. The gender mainstreaming policy is in place, however, it is yet to be implemented. To achieve a stronger framework, greater attention to reporting under human rights treaties is needed, and specific anti-discrimination legislation must be enacted. Much greater effort is also needed to ensure that the existing legal and policy framework is widely understood and systematically inform the work of government across the political, economic, social and cultural spheres.

236. The RMI appreciates the opportunity to evaluate and report on its progress in implementing the CEDAW Convention. The RMI will continue to work at a national, regional and global level to achieve effective implementation of its CEDAW obligations.